The House met at 10 a.m. The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

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

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

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

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SWEARING OF CLERK OF THE HOUSE AND CHIEF ADMINISTRATIVE OFFICER

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

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

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

The SPEAKER. Congratulations.

INFORMING THE SENATE OF THE ELECTION OF THE CLERK

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

The Clerk read the resolution, as follows:

H. Res. 165

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

The resolution was agreed to. A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

The Clerk read as follows:


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

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

This designation shall remain in effect for the 110th Congress or until modified by me. With best wishes, I am,

Sincerely,

LORRAINE C. MILLER, Clerk of the House.
CONGRESS MUST SEND THE PRESIDENT A MESSAGE THAT THE DAYS OF A RUBBERSTAMP CONGRESS ARE OVER

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

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

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

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

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

Mr. Speaker, this week, Democrats and Republicans will send the President a strong message that we must change course in Iraq, and it is really time for the President to listen.
harm’s way America has supported the men and women in uniform and made certain our troops have the necessary resources to accomplish their mission.

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

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

**BUSH LAYS GROUNDWORK FOR ATTACK ON IRAQ**

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

Mr. KUCINICH. Mr. Speaker, rather than announce a diplomatic initiative similar to North Korea to resolve the stalemate over North Korea’s nuclear ambitions, yesterday the President said that the Iranian Government is supplying deadly weapons to fighters in Iraq, even though he cannot prove the credibility evidence that explosives used in Iraq, in Iran and appears to be preparing to bypass congressional authorization for a military strike against Iran.

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

President Bush was able to exercise new flexibility to acknowledge, but we must make our troops have the necessary resources to accomplish their mission. Victory is the only option.

**IRAQ RESOLUTION**

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

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

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

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

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

We are leaders in our body. It is time that we came together and act as leaders. I urge you to end light terrorism and support our troops. We owe to it ourselves, the people we represent and future generations.

**IRAQ RESOLUTION**

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

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

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

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

**IRAQ RESOLUTION**

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

Mr. WILSON. Mr. Speaker, this is a historic week in Iraq. They have passed a new budget for 2007, an overwhelming majority of the Iraq Council of Representatives voted in favor of the $41 billion budget that will aid Iraq with rebuilding, security, and move them forward to be more self-sufficient.

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

This is great news from Iraq. We are making progress. I applaud the dedication to fiscal responsibility in Iraq and I urge my colleagues to come to this floor to voice their opposition about the escalation plan for this war.

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

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

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

**CAFE STANDARDS AND ENERGY INDEPENDENCE**

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)
Mrs. MILLER of Michigan. Mr. Speaker, this afternoon I will have an opportunity to talk about the war resolution, but this morning I would like to just talk for a second about energy independence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Clerk read the title of the concurrent resolution.

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

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

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

The Chair recognizes the gentleman from New York.

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

Mr. CLYBURN. I thank the gentleman for yielding.

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

And I respect and appreciate the intensity of those feelings.
If this were the only issue, if the matter were only a matter of troop strength and numbers, then the issue would lend itself to military and strategic solutions and we would not be having this debate. This is not the real issue, however. That is not the reason that every Member of this Congress is being granted the opportunity to speak on this issue. No, my fellow Members of Congress, the real issue we are addressing today is not so simple. The real issue goes to the very heart of our American democracy.

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

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

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

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

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

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

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

The victory we seek is earned through the restoration of America’s role as a global leader and through the realization of the American people. It begins with the restoration of this Congress, as the deliberative arbiter and representative of the best interest of the American people. It begins with the understanding and acceptance of this Congress as a full partner in the future of this activity.

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

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

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

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

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

We say today that the victories we seek are real victories, permanent victories, victories of a Nation which still believes that the voice of the people is our final authority in all matters.

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

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

Mr. MCCOTTER. Mr. Speaker, I yield myself unreservedly.

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

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

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

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

As a staunch supporter of our Nation’s mission in Iraq, Afghanistan, and throughout the world, I did so in the belief that it is morally imperative for every sovereign American citizen and their congressional servants to ensure our valiant troops victoriously come home to their loved ones’ arms.

Were I to do otherwise and lapse in my moral duty, I would not only be violating the dictates of my conscience.

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

This resolution is “nonbinding,” which means the resolution has no force of law to compel future legislation to comport with its dictates. In sum, then, this resolution legally changes nothing. Americans’ money will still unabatedly facilitate our troops’ continued deployment into harm’s way, despite the United States Congress collectively condemning the President’s preemption plan.

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

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

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

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

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

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

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

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

This previous resolution is the Democratic Party platform of 1864.

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

It is an inchoate angst over history’s final verdict the reason some supporters of this resolution have taken to this floor, though not in this resolution and verbally expressing three key defenses of their decision? One defense is they were misled into supporting an Iraqi regime change because of the false claim it did or might possess weapons of mass destruction. Mercifully, let us stipulate these elected officials performed their due diligence on the matter and, especially for our Democratic colleagues so situated, they did not overly trust the some many of them had accused of stealing a Presidential election. Again, there were numerous justifiable reasons for authorizing the President of the United States to militarily execute a regime change in Iraq. As those reasons are written in that resolution, I will not dwell upon them, for they do not constitute the crux of the matter, which is this: the war aim of regime change was a success. It is the post-war failure of Iraqi reconstruction breeding our present peril.

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

Dovetailing with this defense, some of the resolution’s supporters now claim their initial ardor for the regime change was a mistake because this administration has botched Iraq reconstruction beyond salvaging and the fledgling democracy is now in a state of civil war. This argument has the
merit of being partially correct, for despite the hard-learned lessons of our Nation’s former successes in doing so, this administration utterly failed to comprehend and implement the fundamental principles of reconstructing a defeated, belligerent nation. Importantly, this one did not preclude reconstructing Iraq now.

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

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

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

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

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

What of our body? Now resurrect the specter of our own judgment, which hovers above and shadows us as we seek to ensure we are not forever weighed in the balance and found wanting. It is as it should be, as it must be, for notwithstanding its non-violent and non-repressive tools, reconciliation’s disposition, our duty demands we make moral decisions affecting our Nation’s victory or defeat, and our fellow citizens’ lives or deaths. Is this not why, even while bearing malice toward those who have led our own war plan, our own maligned President warned his opponents history is a harsh mistress:

“Is it doubted, then, that the plan I propose, if adopted, would shorten the war and thus lessen its expenditure of money and of blood? Is it doubted that it would restore the national authority and national prosperity and perpetuate both indefinitely? Is it doubted that we here, Congress and Executive, can secure, if we will, and if we are good people, respond to a united and earnest appeal from us? Can we, can they, by any other means, so certainly or so speedily, assure these vital objects? We are about to answer that or forego all, and in doing so, secure our own blessings of liberty for unnamed generations of American children.

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

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

Mr. MEeks of New York. Mr. Speaker, let me just say that from my understanding, we are a separate but equal branch of government. The Executive does its thing; we do ours. And part of our responsibility is to debate, investigate and determine, that the President is not simply rubber-stamping what he says. So we are doing our job and what the American people elect us to do
Mr. Speaker, it is my pleasure to now yield 5 minutes to the gentlewoman from Illinois, the chief deputy whip, the Honorable JAN SCHAKOWSKY.

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

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

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

Each time that the Bush administration has proclaimed that we must stay the course because the war has just reached a turning point, that turn has led to disaster. In May 2003, President Bush declared "Mission Accomplished." By the end of 2003, 486 of our troops were dead and 2,408 were wounded. And yet we stayed the course in Iraq.

In December 2003, President Bush said, "We're handing over authority to a sovereign Iraqi Government . . . a turning point will come in less than 2 weeks." By the end of 2004, 1,334 of our troops were killed and 10,408 were wounded. And yet we stayed the course in Iraq.

In June 2005, Vice President CHENey said, "I think they are in the last throes, if you will, of the insurgency." And in December 2005, President Bush said that 2006 will be recorded as a turning point in the history of Iraq, the history of the Middle East, and the history of freedom.

By the end of 2005, 2,180 of our troops were killed and 16,351 were wounded. And yet we stayed the course in Iraq.

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

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

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

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

Shame on them. It is they who have failed to serve the troops who have served us so well. From day one our troops were sent into the war theater without the proper equipment to maximize their chances of survival. They have been forced to bake the Pentagon's Inspector General found that the Defense Department hasn't been able to properly equip the troops it already has with enough guns and ammunition to "effectively complete their missions." That is a quote. Soldiers are short body armor, armored vehicles, and communication equipment. Imagine this war is costing $12 billion dollars a month. In recent years, nearly half a trillion dollars, and our soldiers don't have enough body armor, ammunition, communications equipment. Imagine this war.

If our troops aren't the priority, who is? Halliburton, Blackwater, other corporate chums of the President? Don't lecture us about caring for the troops. The Executive Director of Iraq and Afghanistan Veterans of America recently said of our returning soldiers and marines, "And when they come home, there aren't nearly enough transitional cars, job placement, transitional housing. It is just not there."

Twelve million dollars an hour to wage this war, and our veterans are returning home without the proper care they need.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Our men and women fighting in Iraq understand the strength and vibrancy of this democracy, and they understand that it is our duty in this Congress to exercise our best judgment for America's national security. What has harmed our national security is not the
debate in Iraq, but the lack of serious oversight over the Bush administration's decisions and conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We have underestimated the persistence of and the difficulty that outside players would create for us. We underestimated how anxious people inside Iraq would be to settle old scores instead of to look ahead. And we have underestimated the impact of the division of the region, for Iraqis, and, most importantly, for ourselves.

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

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

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

But this will be a hard task, but our military leaders and our troops in the field don't tell us that. General Petraeus, a man whom all sides acknowledge is not only professional, capable, but is dedicated and a great patriot, tells us this is an achievable mission if he has the forces he needs to succeed. The average soldiers that I talked to from my district
and other units also tell me they believe this is doable. But they want us in Congress and in this country to have the political resolve to match their personal courage.

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

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

Mr. MEEKS of New York. Mr. Speaker, it is my pleasure to yield 5 1/2 minutes to the gentleman from the Steering Committee, the Honorable Rosa DeLAURO.

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

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

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

And with 3,100 American lives lost, sectarian violence threatening to spill over into the entire Middle East, and no prospect for a stable, constitutional democracy in Iraq in sight, today we consider this war for what we wish it were but for what it has so clearly and tragically become, a mistake of historic proportions.

As such, I will support this resolution opposing the escalation of this conflict. And with this debate, the Congress takes up its constitutional responsibilities with a sense of urgency and accountability that the public so desperately seeks from us. For too long the Congress took too long to debate whether or not to go to war and been all too willing to put politics and ideology before our Nation's security.

To be sure, matters of war are the most serious that I will deliberate over in the United States Congress. Indeed, such a vote was my first in the Congress in 1991. But with this moment, Congress now has the opportunity to take the country into a new phase of this war. And that means matters more than getting this right.

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

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

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

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

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

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

The policy will only make matters worse, in my view and that of the Iraq Study Group. It will also postpone Iraq's taking responsibility and postpone diplomatic efforts that we so urgently need to reach a political settlement in Iraq and avoid an all-out civil war that spills into the entire Middle East.

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

Mr. Speaker, I harbor no illusions about the President's willingness to hear this message from the Congress. Before long, it may be necessary to mandate reductions in troop levels. But the President must understand that the public and the Congress do not support his plans to escalate the war. I support a change in strategy that begins to reduce our military and to prepare for a political settlement in Iraq, and I will work with my colleagues in the majority to support the disapproval resolution that the Congress is about to consider this week.

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

I would like to recognize the gentleman for 5 minutes.

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

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

Furthermore, this measure seeks to debate whether we support an operational decision that, in reality, should be made by the commanders on the ground, not by politicians in Congress. What are we going to be debating next week. Mr. Speaker? Which block in Baghdad on this war to target. This nonbinding resolution serves no purpose other than pacifying the Democrats' political base and lowering...
morale in our military. At least one Democrat has likened this type of resolution to a child stomping in the corner.

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

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

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

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

We have not had a terrorist attack on our soil in over 5 years because of our vigilance in pursuing the security of our Nation at home and abroad. Success in Iraq is our only option for continued national security and the preservation of freedom. I have had the opportunity to speak to hundreds and hundreds of men and women in uniform whose experience spans all ranks, all services, and all units. Consistently, they share an optimistic and sober message about the importance of continuing the struggle to defeat Islamic extremists. A resolution like this blurs the many successes in the war they have had against the extremists.

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

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

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

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

Soon, Congress will vote on the Department of Defense’s supplemental budget; and in it, the Pentagon is requesting $5.6 billion for troop reinforcement. This will be the real test of commitment, not this meaningless resolution. A “no” vote on this supplemental will delete funding for this important mission. This will not only show people where Congress stands, but give accountability and notations here in Congress with the force of law behind it.

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

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

Mr. MEEKS of New York. Mr. Speaker, I think we all owe a great debt of gratitude to the Speaker of this House and to the Democratic leadership for this administration and others like Scowcroft, Eagleberger, Baker, and Colin Powell about the folly of this effort. It was that Kennedy or Berg or even Larson or other people that spoke out as eloquently as those former members of Bush the Elder’s Cabinet.

I traveled with Jack Murtha in the build-up to the war, and we met with our ambassador in Saudi Arabia, Robert Jordan, who I said to him, Ambassador, you have a gathering storm here in Saudi Arabia, with all the tensions in the Middle East. And he said, Congressmen, you are from New England. Gathering storm, he said, What do we have here is the making of a perfect storm.

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

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

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

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

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

I conduct hearings back in my district; I listen to what my constituents have to say. And, most earnestly, to those parents, those men and women who have come to the House—John Kennedy to the House—to talk about their children in harm’s way: Carol Tripp of Bristol said it best, a woman with three of her sons and her
husband stationed in Iraq, who hasn’t shared a holiday dinner with their entire family since 2001. I define success by being able to look into their eyes and tell them that the best path forward is the safe, secure, and strategic redeployment of our troops so that our Army can regroup and restore itself and proceed after the people who took the towers down in systematic fashion to go after al Qaeda and continue to regroup.

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

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

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

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

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

Yet, what also scarred me for life was the emotional torture that the North Vietnamese broadcast to taunt us and break our will. The physical torture is not fit for describing as some of it is too graphic and too gory. There were many times that I would pray to God that I would pass out and slip into unconsciousness just to escape the pain if I couldn’t escape the beatings.

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

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

Osama bin Laden said that “in Somalia, the United States pulled out, trailing disappointment, defeat, and failure behind it.” And we didn’t blink an eye when the radicals bombed the Khobar Towers in Saudi Arabia killing 20 and injuring 372; or after the Kenya embassy bombings that killed 233 people and injured 5,000; or that same day at the Tanzania embassy bombing 11 people and injuring 68. On October 12, 2000 the USS Cole bombing killed 17 and injured 39. And we all know how they tried to bring down the World Trade Towers and didn’t stop until they completed the job September 11.

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, there are no good military options left in Iraq. Mr. Speaker, doing so currently in harm’s way, I say, “You are a hero. You are doing your best to follow orders and to serve your country.” But I also say, “We have given you a mission impossible, and that mission must change.”

As we conduct this historic debate, we must change that mission that leaves Iraq in better shape than we found it, and that will not be achieved by surgerring 21,500 more troops into Baghdad. The surge will not work, and I oppose it.

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

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

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

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

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

Mr. Speaker, I yield 5½ minutes to the Representative from Virginia, THELMA DRAKE, who represents Norfolk and America’s Navy.

Mrs. DRAKE. Thank you, Congress- man JOHNSON, for your service to our Nation.

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

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

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

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

It is important for the American people watching this debate to know that this plan is currently under way. The Second Brigade of the 82d Airborne Division moved into Baghdad nearly a month ago.

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

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

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

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

If Congress believes that the President has not met the benchmark, then Congress has the responsibility to work with the Commander in Chief to ensure that the Iraqis are meeting stringent benchmarks and are living up to their commitments. This resolution is best defined by what it lacks. This resolution failed for a top-down approach by a bipartisan panel tasked with outlining rigorous benchmarks and making sure they are met so that our troops may return home in victory.

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

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

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

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

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

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

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

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

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

Mr. DOYLE. Thank you.

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

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

The invasion and occupation of Iraq is being borne exclusively by our military personnel, who, at best, experience long separations and terrible worry, and, at worst, lose a beloved member of the military. The invasion, occupation, and reconstruction of Iraq will cost us at least half a trillion dollars, not to mention the cost in human lives and international goodwill.

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

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

The recently released National Intelligence Estimate concluded that there is little prospect for political reconciliation in Iraq at this time. So, what
Mr. PEARCE. Mr. Speaker. I rise in opposition to this stay-the-course resolution, because it is, indeed, a stay the course. It says, bluntly, that we support the troops, the troops are in Iraq, they are fighting. We support the fight. We do not, on the other hand, support an escalation, which would be another course of action, nor do we present the other alternative that says bring them home. We can bring them home, increase or stay the course, and so this stay-the-course resolution is one that is very much far fetched.

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

I have also heard that it is a misguided conflict. I have also heard that and I think that their work is done, please have the courage to bring them home.

I want to speak today on behalf of all our soldiers, the soldiers of today. I will do it while remembering the soldiers of yesterday. Through no fault of my own, I served in the Air Force during the Vietnam conflict. I say through my own, I served in the Air Force during the time that I am going to win, but that is a very low draft number. As time has proved, it was going to be the only lottery that I am going to win, but that lottery gave me a free pilot's certificate and sent me to Vietnam to fly in 1971, 1972 and parts of 1973.

I was in Vietnam during the time that Jane Fonda made her trip to the North, giving aid and comfort to the enemy. I was in Vietnam during the time that there were demonstrations in the streets back home. I was there during the time that our soldiers were there too. Today, as I beat around the back dusty roads of New Mexico, I encounter those same soldiers that I encountered back then. For those soldiers who are my age, who are on walkers, life has been difficult. There is a common greeting for soldiers of that era. It is welcome home, brother, or welcome home, sister, because they were never thanked for their duty and they were never welcomed home with parades with yellow ribbons. We were snuck back into the country.

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

My friends, you will not be able to appease the left with this toothless resolution that you are presenting. You know that your own Members, some of your Members are for appeasing the left, that they would never vote for me, who disrespect our soldiers. I recommend a vote against the resolution.

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

Mr. DOGGETT. I thank the gentleman.

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

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

This President continues to pursue a go-it-alone strategy in Iraq. Like most every problem that he has created, and there are many, he seeks only to pass the buck. Mr. Gates longed that it cannot sustain a prolonged escalation, even when it unfairly recalls inadequately supplied troops for a second, third, and fourth tour of duty.

Little wonder that the Secretary of Defense, Mr. Gates, admitted last week that he is already looking for an alternative to the unmitigated disaster that he is already looking for an alternative to the unmitigated disaster.

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

To our troops, whose courage we honor today in this very resolution, we say to you, that none of who you who are out there on the front lines today, we will do everything we can to protect you; but we will also be working as hard as we can to bring you home safely to your families sooner rather than later.

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

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

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

To me, the terrorists seem mighty emboldened with their daily death and destruction that they wreaked across the borders in this country. We have never conceived this resolution. Frankly, it is the administration that is the terrorists’ top recruiter.

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

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

Having failed entirely to learn any lessons from Vietnam, this administration seems to already have forgotten our experience in Iraq. Some here who profess to be conservative have been very liberal with billions of misspent taxpayers’ dollars and very liberal with the blood of others in the sand of Iraq. President Bush was absolutely correct when he personally declared his war in Iraq a strategic and diplomatic success.” He has certainly been successful at creating one catastrophe after another in Iraq.

Our Nation is great enough with sufficient resources and capacity to change course, but each day we delay will do so, it will be only after they understand that it will be their blood, not the blood of young Americans, that will be shed to stop the horrific sectarian violence that is tearing Iraq apart.

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

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

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

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

Now when we should be doing everything we can to promote diplomacy in the Middle East, our attention to resources have instead been focused
on a civil war in Iraq which threatens to envelop the surrounding nations and further inflame the region.

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

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

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

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

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

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

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

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

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

Mr. Speaker, the resolution we are considering does not do a single thing to help our troops or to achieve the goals of America, our allies or the Iraqi people. Congress is spending an entire week on a nonbinding resolution that, even if it passes, will not change the course of action in Iraq. Our time could have been spent much more effectively dealing with real issues, such as how to most effectively win the war that terrorists are waging on us.

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

And as an Air Force veteran, I think we should accept the recommendations of our military. And in that respect, 2 weeks ago the General in command of ground forces in Baghdad said, and I quote, “By bringing more troops in, it will not only help the people in Iraq, and work with them, to provide more time to defeat this threat, which is both an Al Qaeda threat as well as sectarian violence.”

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

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

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

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

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

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

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

And it will include those who have questioned it from its inception.

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

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

And there is broad agreement on one other point, Mr. Speaker. It is this: that the President of the United States is under no obligation to say that something doesn’t matter to him what this Congress thinks, or what this country thinks.

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

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

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

And I end with this point. A number of my colleagues in this debate, our adversaries in this debate have said that there is a group in Washington. There is a group on the left. Some of you who are on the right. Some of you who are in your ranks who will vote for this defund, or who don’t somehow have the strength, the fiber, to support our troops.

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

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

The President of the United States, who brags that he has watched none of the constituents from Bannister: “I hope Congress is not going to do what works, not just what is politically correct. We need to move carefully and deliberately, showing a united front, or we are again going to be the victims of some outrageous terrorist attack.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With the passage of 4 years and the loss of over 3,000 brave Americans and countless others who have been permanently injured, I regret to recall that President LORSKY. Mr. Speaker, I rise today in opposition to this nonbinding resolution. And
the President felt compelled to justify the invasion by claiming a connection between al Qaeda and Saddam Hussein when the 9/11 Commission found this was simply not true.

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

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

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

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

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

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

We have heard a lot of speeches during this so-called debate. I am not sure how we vote there is something, there is certainly a lot of speeches. Some of them have been very eloquent. I think of Mr. McHugh today the other night giving one of the best speeches that I have over heard on the floor of this House. Some of them have been unanswered. Some of them have been shrill. Some persuasive; some not. We have heard a number of opinions expressed, and it reminds me a week or so ago we had a hearing in the Armed Services Committee and we had three experts, Ph.Ds all of them, experts in the foreign relations and military operations.

One of them, the former Secretary of Defense under President Clinton, and it turns out that at the end of the hearing, each of the three of them had a different idea about what we ought to do. None of them supported what the President had been doing. One of them sort of supported what the President was doing. But each of them had different ideas. The other three, it reminds me of a person who has been shrill. Some persuasive; some not. They have been partisan. Some of them have been shrill.

And on this floor we have heard more opinions. We have heard people say, I do not agree with the former Secretary of State. James A. Baker III, who said on January 30 of this year: “This is the language and all of the language of the report with respect to a surge: ‘We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S. commander in Iraq determines that such steps would be effective.’”

Both of these conditions have been met. There have been many claims of fact which I have some counterarguments with.

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

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

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

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

Mr. Speaker, this lady supports the troops. I support the troops in Iraq, and I believe everyone in this Chamber supports our troops. They perform their missions with bravery and honor. And I commend them for the job they are doing. But I am unconvinced that deploying more troops and spending more money is the right strategy. And I am not the only one. General Colin Powell said today in Washington that another surge of troops into Baghdad for purposes of suppressing this civil war will work.”
General George Casey, the former commander of U.S. forces in Iraq, said last month: “It’s always been my view that a heavy and sustained American military presence was not going to solve the problem in Iraq...”

It was reported that the Joint Chiefs of Staff unanimously disagreed with the concept of troop escalation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Another: “We need to send the message to our troops that America wants them to succeed in Iraq by giving the bold, the chance to do so.”

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

Mr. Speaker: “We also need to stay in Iraq and put forth the necessary will and resources that will allow our strategy to succeed.”
do their job effectively.

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

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

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

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

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

I will end with this: “I would hope that your colleagues would be able to continue to support what we are doing, because what we are doing has a reasonable chance at success.”

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

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

We have to let our generals be generals and wage this war as only they are trained to do, and have hope that the announced troop buildup will be the final 3 key that’s needed by the Iraqis to build a secure and united country. We have to hope that it’s not too late for the U.S. to make a difference in Iraq.

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

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

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

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

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

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

Moreover, our troops need more open rules of engagement to do their job effectively. This is what we asked for in Desert Storm ’91. It is most people, Middle Easterners included, just want to protect their family, practice their religion, and have an opportunity to prosper.

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

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

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

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

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

Everyone is forced to telescope political, economic, and security reforms that would normally take 7-10 years. Getting the “Law” established will eventually replace the need for “Self Protection” (Militias).

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

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

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

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

Mr. Speaker, I oppose the escalation of U.S. forces in Iraq and I strongly oppose this war. We had made the justifiable and right to invade Iraq. It was a mistake. There are no easy answers or solutions before us. No matter what option we pursue, there is no
Mr. Speaker, it is essential to change the dynamic inside Iraq, and to do that it is essential that we dramatically change our policy. That means we must end the U.S. occupation and begin an all-out diplomatic effort to promote reconciliation and an end to the violence. We should begin the immediate, safe and orderly withdrawal of our troops from Iraq. That means we should provide protection and political asylum to those in Iraq who have assisted us and who may be in danger. That also means that the United States must demonstrate the maturity and the common sense to talk to political leaders and to countries we don’t like, including Syria and Iran.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Because this resolution is so deeply flawed, it will send bad messages if it is passed. It will send a message to our enemies that we are weak and unable to win this war. It will send a message to our friends and to countries we don’t like that we are weak and unable to protect ourselves.

Mr. Speaker, let us be clear. If a clear chain of command is better calculated to lead to victory with the least possible loss of life, War by committee, on the other hand, does not best serve the interests of our country or our troops.

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

I represent thousands of men and women on Active Duty and in the National Guard and in the Reserves. I have visited over 100 forward-deployed combat troops at both Walter Reed and Landstuhl Regional Center in Germany. My commitment to our brave men and women is unwavering. However, I disagree with deploying more than 20,000 more U.S. combat troops to Iraq.

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

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

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

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

"1300"

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

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

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

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

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

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

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

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

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

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

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

We unanimitously stand by our troops because, almost 5 years ago, this Congress asked them to step forward to protect our country and win the fight against terrorism. On October 10, 2002, before many of us were here, including myself, 296 Members of this body, including 81 Democrats, passed a bipartisan bill authorizing the use of military force in Iraq. The next day, 77 Members of the Senate approved a motion authorizing the same use of force.

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

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

So Congress is once again at a crossroads. The reality of the circumstances in Iraq require a winning strategy. The information provided by our reformed intelligence community warns of a clear and present danger. The solution cannot be in leaving things as they are.

The NIE continues: “Coalition capabilities remain an essential stabilizing element in Iraq.”

There are three courses of action: leave things as they are; we know this is not sufficient; or begin the process of chipping away at the core of this resolve. Support for our troops fighting the war is not an option. Victory is the only real choice. The consequences of failure are unacceptable.

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

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

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

Mr. Speaker, in October 2002, I voted in favor of the legislation to allow President Bush to defend the national security of our country against stated or threatened by Saddam Hussein. In large part, I based my decision on the information I learned in several classified briefings with high-level ad- ministration officials about the capa- bilities of the Iraqis to deliver weapons of mass destruction to the United States. These officials pointed to an immi- nent threat posed by Saddam Hussein and his potential use of unmanned aer- ial vehicles to deliver weapons of mass destruction to our shores. Of course, we now know that these weapons, as well as the Bush administration’s claims re- garding Saddam’s ties to al Qaeda, were fictional. The consequences of our action, however, are quite real.

To date, the Iraq war has come at a terrible cost to the United States. More than 3,100 servicemembers have been killed and greater than 23,400 have been wounded. My home State of Penn- sylvania has lost 149 soldiers and over 1,900 have been wounded. Moreover, the United States has spent almost $380 billion to date, with hundreds of bil- lions of dollars more requested by the Bush administration.

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

On Tuesday, The Washington Post re- ported that NATO’s top commander, General John Craddock, does not have enough forces for the anticipated spring offensive by the Talibun. The general warned that “failure to send reinforcements was weakening the mis- sion and jeopardizing the lives of sol- diers fighting” in Afghanistan.

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

Bringing stability to Iraq cannot be achieved through an escalation of our military involvement in that country. Rather, Shiites and Sunnis must decide for themselves to forge a political solu- tion to this crisis in which the inter- ests of all Iraqis are represented. Nev- ertheless, President Bush is ignoring the advice of his top generals, the bi- partisan Iraq Study Group, the major- ity of Congress, and, most of all, the American people by announcing his in- tention to send an additional 21,500 American troops into harm’s way to continue pursuing a flawed policy.

Mr. Speaker, this time we must force the deployment of additional American forces into Iraq. The consequences of our action, however, are quite real.

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

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

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

We know that leaving an unstable Iraq endangers Israel, other Western democracies, as well as our own na- tional security. I have heard from my constituents here in the United States.

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

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

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

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

I ask the American people to imagine what would have been if this Rep- resentatives used this time to hammer out ideas and positive solutions. That is the American ingenuity that we should focus on as a Congress. This is the American way.

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

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

They believe that it is a war of en- durance, and that we have shown histor- ically and repeatedly that we do not have the national will for prolonged en- gagement.

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

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

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

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

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the chairman of the Energy and Commerce Subcommittee on Energy and Air Quality, the distin- guished gentleman from Virginia, Rick Boucher.

(Mr. BOUCHER asked and was given permission to revise and extend his re- marks.)
Mr. BOUCHER. Mr. Speaker, I rise in support of the resolution, and I hope that its adoption by the House will send yet another powerful message that a change in the direction of our Iraq policy is required.

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

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

At the core of their proposals was a bold recommendation: that the United States begin a dialogue with Iraq’s neighboring countries about a way to achieve regional stability and, most particularly, stability in Iraq. Iran, Syria, Jordan, Saudi Arabia all have been in the various war-faring factions in Iraq. Iran and Syria in particular have a strong interest in a more normal relationship with the United States. All of these countries have a long-term interest in a stable Iraq. The Baker-Hamilton Commission’s direction for a U.S.-led negotiation among these nations is the only real option we have left in order to achieve under United States guidance a peaceful Iraq. President Bush has rejected this recommendation. He has acted, in my view, very unwise.

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

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

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

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

Mr. FEENEY. Mr. Speaker, first I want to thank the genuine American hero from Texas, Mr. JOHNSON, for leading us in this discussion. I supported the use of military force to remove Saddam Hussein’s regime because it was in America’s interests. Afterwards, it should have been up to the Iraqis, and not Americans, to determine their fate and how they govern themselves. President Bush has stated: The survival of our liberty depends on its expansion throughout the world and America must actively construct those institutions. Which, to me, seems like a Wilsonian view of America’s role in the world.

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

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

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

Once a decision has been made and mission assigned, this body should support the troops and their one and only Commander in Chief, as Representative JOHNSON’s resolution, had it been heard, would have done. Critics of tactics who resort to a congressional resolution tell our service-men and women and their families, intentionally or not, that their mission is futile. When we undermine hope, we undermine resolve, and we reduce the likelihood of success.

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

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

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

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

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

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

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

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

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

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

And instead of focusing on establishing a free and stable Iraq, America strayed from the wisdom of its Founding Fathers who warned us of the hazards of trying to shape the world in our image. As John Quincy Adams noted in his 1821 Fourth of July Speech: “America does not go abroad in search of monsters to destroy. To do so would involve the United States “beyond the power of extinction, in all wars of interest and intrigue, of individual avarice, envy, and ambition. . . . It might become the dictatrix of the world. She would be no longer the ruler of her own spirit.”

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

The historian Walter McDougall describes this original tradition as follows:

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

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

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

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

No longer an instrument of the conservative tradition. Conservatives understand that free societies and peoples take centuries to evolve. America traces its roots back to the Magna Carta. If you want to illustrate the shortcomings of social engineering and the illusive pursuit of foreign societies, take these 792 years of failed experiment and impose it on a nation cobbled together by the British after the collapse of the Ottoman Empire and on a people who identify more with a tribal than a national identity.

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

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

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

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

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

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

But America has only one and not 535 Commanders in Chief. We cannot micro-manage the conduct of a war. Representative Skelton’s resolution cannot bring good. Rather, this decision has been made and a mission assigned, this body should support the troops and their one Commander in Chief as Represented Resolution would. We should deny the enemy encouragement and provide resolve to our servicemen and women.

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

Most service members would tell you the same thing: There is no honor in retreat... and there is no honor in what the Democrats have proposed. It stings me to the core to think that the American people are divided.

Instead, the responsible thing for this Democratic Congress would be to propose a new way forward, new tactics, and new strategies—not just in Iraq but in the war on terror. Speaking of Maybury famous remark: “Any jackass can kick a barn down, but it takes a carpenter to build one.” No carpenters are at work with this resolution.

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

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

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

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

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

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

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

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

The fact is, this administration has never answered any of those questions fully or honestly. Neither. Either they know the answers and refuse to say them, which is duplicitious; or, they do not know the answers, which is incompetent. Sadly, it appears a little of both is operating.

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

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

My colleagues, it is not reasonable to allow a Commander in Chief who has not been honest or accurate from the outset to continue sacrificing the lives, the bodies, and the families of our
Regardless of whose war this was in the past, today it is an American war. And the Democratic majority must decide do they support the mission, or do they not support the mission? Now, certainly we are all disappointed that we have not achieved the success that we would have desired by now. And I myself do not know if the new strategy will prove successful. I think it can be successful. I hope it will be successful. And I know it is a strategy that has been recommended by the Iraqi Study Group and our new battlefield commander.

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

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

That is why this is a sad day. Somewhere in Baghdad right now is a marine sergeant who is tired, he is resolve, he has dirt on his face. But you know what? He volunteered, he loves America, he loves his freedom. He has a picture in his wallet. His parents are praying for him. He is thinking about his wife, who, who in this body, what Member has laid to rest at Arlington Cemetery. He had lost his life in an IED explosion in Iraq. Major Alan Johnson as his body was stared into my eyes and said, "I am glad to see so many people on the other side of the aisle have discovered the report of the Iraq Study Group."

It is now my pleasure to yield 5 1⁄2 minutes to a senior member of the Ways and Means and Agriculture Committees, the gentleman from North Dakota (Mr. POMEROY).

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

On behalf of the people of North Dakota, I express to the extent I could our profound condolences for the family’s loss. The major’s grieving widow stared into my eyes and said, “Do what you can for our troops over there.” This is not just a plea and a prayer of the families of our soldiers, it is the duty of every one of us here to share an intense commitment to our soldiers that comes right from the bottom of Baghdad. Success in Baghdad will be success for the United States. Failure in Iraq is the failure of the United States. Their defeat in Iraq will mean defeat in all their wars.”

We must soberly reflect on the challenges we face. We must face the fact that with Zawahiri, who is number two in command, “Al Qaeda has the right to kill 4 million Americans, 2 million of them children.”

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

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

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

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

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

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

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

But there are no differences when it comes to all we share about the valor our soldiers have displayed in service to our country. We have seen it personally—most of you, I have mourned and prayed with shattered families whose sons and daughters have lost their lives in selfless service to our country and all we care about.

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

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

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

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

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

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

However, the United States alone cannot create a democracy in Iraq. Only the Iraqi people can achieve that. And we have seen it personally—of all the trips I have been to Iraq, I have seen soldiers in full battle gear, in 133 degree heat, doing their absolute best to perform their mission. I have seen North Dakota National Guard soldiers charged with training up Iraqi soldiers through the triage bringing the factions of Iraq together.

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

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

Mr. Speaker, at this time I would like to yield 4½ minutes to Mr. Garrett from New Jersey.

Mr. Garrett of New Jersey. Mr. Speaker, the authors of this resolution talk about how they now stand with all the resources they need, whether it be armor, bullets and Humvees. That is, all the resources they need, except two; and I would argue they are the two most critically important ones: manpower and the support of our national leaders.

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

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

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

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

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

This two-sentence resolution, sense of Congress, is not a new plan for victory. In fact, it is not even a new plan for bringing the troops home now, but instead it envisions a war with no end in sight. It is little more than a gift to our enemies who have been patiently awaiting the American naysayers to erode the American confidence in our mission.

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

Our brave men and women in uniform are up to the task. But they need our support, not empty proposals that doubt their ability to secure the peace; that doubt their ability to rebuild the Nation after the cruel reign of Saddam. They want an opportunity to build a better future for their children, and they ask for our help to secure that peace.

Some stand aside while al Qaeda and Iran support factions that would enslave them once again? You know, it was Franklin Delano Roosevelt who knew the repercussions of failing to support those nations that are struggling for liberty, when he said, and I quote: "Enduring peace cannot be bought at the cost of other people's freedom.'" FDR also declared that we are committed to full support of all those resisting aggression and are thereby keeping war away from our hemisphere. We cannot have peace in Iraq by handing over those who have worked to build a Nation based on freedom and justice and peace, turn it over to those violent brethren who seek only destruction of those principles. Make no mistake about it: If we stay the course, as this resolution would have us do, it will not be long before this war returns to our shores.

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

First are the words of Abu Omar al-Baghdadi, the leader of al-Qaeda in Iraq. He says: "We have drunk blood in the past, and we find no blood sweeter than that of the Christians. Know that offense is the best form of defense, and be careful not to lay down your weapons before the war is over." While we quibble over words here on the floor of the House of Representatives, our enemies speak
with frightening clarity of conviction. Can there be any doubt that this resolution solidifies the resolve of the jihadists he leads and inspires? In stark contrast are the words of one of my constituents, Ron Griffin, who 45 months ago lost his son, Kyle, an Airborne infantryman serving in Iraq. "We were literally carried through our sorrow by the resolute, soothing and comforting hands of countless human beings whom I only hope can truly understand how they made life worth living. . . . What I see [now] is a people pummeled into acquiescence. The loss of these wonderful positions, so integral to itself a weight that is almost unbearable to struggle under, but when accompanied by the din of negativity it becomes to most people a burden."

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

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

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

Mrs. NAPOLITANO. I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So I don't think it is much of an escape to say, oh, well, this is a civil war. What it is, it is a war against terrorists. Regardless of how you want to speculate what might happen if we leave all of a sudden, at least I would respect the Democrats more if you
would just simply say, we need to cut and run, or we need to stay where we are. But don’t just leave a blank piece of paper and say we support and don’t support. It doesn’t make any sense. All it does is help the enemy.

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

But freedom needs a little bit more definition. The Tiananmen Square Chinese students wanted freedom and they greased the tank treads with their bodies. But they didn’t get freedom. Just because you want freedom doesn’t mean you can have it. So what is the heart of what we believe as Americans? Well, I will tell you. The first time we went to war we stated that and we had quite an argument and discussion about it. And it was in the preamble to the Declaration of Independence: We hold these truths to be self-evident that all men are endowed by their Creator with certain inalienable rights, that among these is life, liberty and the pursuit of happiness. And the job of government is to protect those basic, fundamental, God-given rights. That is what they believed and they had to decide: Are we going to fight the British or not? Those are the things that I taught to my children. This is a picture of the Marine Club with my 9-year-old son standing here, saluting the flag as it is going up. We taught him that there are some things in this world that are worthy dying for and that one of those things is the fact that God gives us basic inalienable rights. That little Marine Club kid has grown up.

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

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

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

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

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

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

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

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

Continuing, “The situation in Iraq is grave and deteriorating. In addition, there is significant underreporting of violence in Iraq. The standard for re-

[The member was interrupted by Members.]
The President declared “mission accomplished” in May 2003, and in a sense he was right. Saddam Hussein and Iraqi weapons of mass destruction are no longer a threat to our nation. The Iraqi people have held free elections and drafted a constitution. The violence we see in the face of this new conflict—it has become a civil war. The outcome depends not on the American will to stay in the fight, but on the will of the Iraqi people to forge their own future. We cannot do it for them.

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

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

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

This week, the House is asking ourselves a simple question: Will we choose to go forward with the resolve and determination needed to win the war on terror by supporting our brave troops, or will we retreat and wait for victory in Iraq to be achieved? We need to know, Madam Speaker, what will happen next. Will we choose to stay the course, or will we yield?

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

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

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

As Americans we are reluctant war-rriors, but throughout history, when our troops have been in harm’s way, America has supported them and made certain our troops have the necessary re-sources to accomplish their mission.

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

My son proudly served in the Army. And during this time of service, I got to know many of his peers in uniform. I am not prepared to say to these men with a heavy heart and without honor to the young man fallen in battle, that I will go to right after this speech at Walter Reed Hos-pital, that I support you but I don’t support the mission you serve, and the blood you shed on the battlefield was in vain.

I am not prepared to call for a precipitous withdrawal from Iraq that will leave the Nation ripe for terrorism and ultimately bring the war on terror back to American soil.

My neighbors in south central Michigan and across the country deserve to be protected from enemies of freedom. And they ought to have a Congress that doesn’t shirk its responsibilities to soldiers and sailors and airmen sent into harm’s way to ensure this war is fought off American soil.

So we come to this time of choosing today. Are we willing to abandon our troops as they implement the new strategy based on quantifiable goals and measurable results? I hope not.

I challenge my colleagues to honor America’s brave men and women serving in the name of freedom and oppose this resolution of retreat.

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to the gentleman from Massachusetts, a member of the Financial Services, Oversight and Government Reform Committees, and chair of the House Task Force on Anti-Terrorism Funding, Mr. LYNCH.

Mr. LYNCH. I thank the gentleman for yielding.

Madam Speaker, I rise in support of House Concurrent Resolution 63, which opposes the President’s plan to escala-tate the war in Iraq. I do so because I am willing to support a sur-prise, or help the Iraqis go to war with our troops, and we agree with the President.

I have had a chance to travel to Iraq several times, and I have talked to the troops in the middle.

The President declared “mission accomplished” in May 2003, and in a sense he was right. Saddam Hussein and Iraqi weapons of mass destruction are no longer a threat to our nation. The Iraqi people have held free elections and made certain their troops have the necessary re-sources to accomplish their mission.

In the practical way, this resolution says America has already lost and the leaders of our country no longer believe our troops can achieve victory. It tells the Sunni and Shia militias, with our troops in the middle.

In fact, in a recent hearing here in Washington, it was entitled, “Iraq: What Will It Take to Achieve National Reconciliation?”

Basically, as this hearing pointed out, the key mission that we have given to our troops is to somehow now reconcile the differences between Sunni and Shia in Iraq. Just to be clear, Madam Speaker, there have been many times since the year 632 A.D., following the death of the prophet Mohammed. That is what we have asked our troops to do, in essence, to convince the Iraqis now to stop killing each other and to embrace democracy instead.

The President has now asked our brave sons and daughters to take up a police action or essentially a civil affairs action, going door to door in solid and meaningful step in the right direction.

There will be a further debate in coming weeks on the funding on how to best protect our troops while transitioning to Iraqi control in Iraq, and we will have more opportunity to do that.

Lastly, I would like to address the argument that the continuing war in Iraq is necessary for fighting the global war on terrorism. As I have said before, I have been to Iraq five times now. One of the questions that I have repeatedly asked our people on the ground is, How much of this fight in Iraq is part of the global war on terror? How much of it is involved with foreign ideals? Unanimitously, they have recommended that it is about 10 percent of the fight in Iraq.

So 90 percent of our cost, 90 percent of our sacrifice, is in a matter that has nothing to do with the global war on terror. In fact, the Defense Department now says that the Mahdi Army, the main Shia militia, has replaced al Qaeda as the most dangerous force in the increasing violence there.

In addition to the fact that we are truly committed to the global war on terror, I might point out we have a situation in southeast Afghanistan and in Waziristan, where the
Taliban, who actually did support al Qaeda and who actually did involve themselves in the attacks on September 11, are building support.

While we spend $350 billion in Iraq, Pakistan has meanwhile allowed a safe haven to be established for that purpose. If we are indeed committed to protecting America and the global war on terror, I would suggest that there are smarter and better ways to do that.

Yes, the American people are waiting for us to take a stand. It is time to step up. I ask my colleagues to support this resolution. It is the first step in eventually bringing the troops home safely.

ANNOUNCEMENT BY THE SPEAKER pro tempore

The SPEAKER pro tempore (Ms. BALDWIN). The Chair must remind all Members that it is not in order to engage in personalities toward the President or the Vice President.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield to my colleague from West Virginia, Mrs. SHELLY MOORE CAPITO.

Mrs. CAPITO. I would like to thank the gentleman from Texas for yielding me time.

Madam Speaker. I rise today realizing the seriousness of this resolution and the importance of the debate on the war in Iraq.

As we continue this debate, I hope that all of us remember we have serious disagreements about what this resolution means, what we want to do, but that we cannot and should not besmirch one another's opinions and the right to that opinion and belief.

I would also like to say how proud I am to be an American, to realize the bounty of our Nation, to appreciate the strength of our forefathers, and to stand in awe of our democracy.

As the daughter of a World War II Purple Heart veteran, I have a great understanding of the sacrifices that have been made by the men and women who have so bravely put themselves on the forefront to protect our country.

I have thought a great deal about what I want to say today and how I want to say it. When the President announced his plan for a troop surge last month, I expressed my disagreement. And as we debate this resolution today, I still harbor those grave concerns.

While I have voiced a disagreement over tactics on how to achieve success in Iraq, the fact remains that I have not backed away from my belief that success in Iraq is vital, and that leaving Iraq prematurely would be disastrous for our Nation's security and the stability of the Middle East.

And let me stress that I will never back away from my commitment to the men and women who serve in our military, and I will not support anything that I believe endangers their safety while they secure in harm's way to protect our country.

So I rise today in opposition to this resolution. My opposition lies not in what this resolution says, but what it intends to do; and that is, to lay the foundation to begin cutting funding for our troops as they fight the radical jihadists who want to destroy our Nation. My fear is not based on wild assumptions or partisan politics, but what leaders are already saying they are planning to do.

The passage of this resolution has been called a baseline. And the Speaker of the House has called it a first step.

And then she added that approval of this resolution will set the stage for additional Iraq legislation which is set to come before the House.

Leaders have been tight lipped about the pending legislation. But we have learned that what they want to do is set the stage for legislation that will fence off and limit funding by tying the hands of our commanders on the ground, by presenting benchmarks that will be written so that certainly those funds cannot be spent. To be sure, such actions would restrict funds and tie the hands of our commanders in Iraq. I cannot and will not support any effort to systematically undermine our greater effort, to defend our liberties and our way of life, and to provide our enemies with a breath of hope that we have lost our will.

Let me be very clear to my constituents and to the men and women in uniform. I will never vote to cut funding for our troops, nor will I allow my vote on a symbolic resolution, one that has the force of politics and not the force of law, to be used as a baseline or a first step towards cutting funding for our troops.

I will assertively maintain my support for the troops in my words and my vote, and I will continue to analyze how I can best help achieve success in Iraq so that we may begin to bring our men and women home.

In that spirit I plan to vote against this resolution.

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to the gentleman from Massachusetts (Mr. NEAL), a classmate of mine and distinguished member of the Ways and Means Committee.

Mr. NEAL of Massachusetts. Madam Speaker, I thank Mr. ENGEL for yielding.

Last Saturday in my hometown of Springfield, Massachusetts, I spent the day welcoming back 150 brave American soldiers from the 181st Engineer Battalion of the National Guard who just completed a year-long deployment in Iraq. Their mission was to provide security for their fellow servicemembers and to protect military facilities. This group included members who possessed the Bronze Star, the Combat Action Badge, and the Purple Heart. Every Member of this House and Senate has participated in the lives of these soldiers both in Iraq, on their way to Iraq, and around the world. And that is one of the reasons I intend to vote in favor of this bipartisan resolution today.

There is a reason that the framers of our constitutional system chose in Article I to establish that Congress is the first branch of the government, to oversee the Executive. One of the reasons that we are here today is because the majority at the time never asked a question of the Administration. Everything the Administration said, the Republican majority at that time in Congress went along with.

I am mindful of the thousands of soldiers who have died, and I'm mindful of the 21,000 today who have been wounded. I am mindful of those who continue to serve our country bravely and honorably, and that the burden of this war has fallen on them.

There has been very little sacrifice asked of the American people.

But those who have sacrificed deserve a frank and honest debate about President Bush's policy. This is the debate we should have had years ago.

You cannot edit history. We know today there were no weapons of mass destruction. There was no enriched uranium from Niger. There was no connection to al Qaeda. We were not welcomed as liberators in war. And 3½ years later, the mission has not been accomplished.

Madam Speaker, like the vast majority of the American people, I agree that the war in Iraq is wrong and getting worse. I attach great significance to the National Intelligence Estimate. The overall security situation in Iraq has deteriorated, as they have said, with 2006 being one of the deadliest years in Iraq.

And let us call it for what it is: a civil war.

Yet President Bush, nearly 3 years after declaring an end to major combat operations in Iraq, is sending another 20,000 American troops into battle. And Vice President CHENEY, in the face of insurmountable evidence, continues to declare that Iraq is a success.

As we debate this resolution today, it is clear that support for the war is at a tipping point. Our intelligence community, speaking collectively in the recent NIE, they believe that the future of Iraq is grim. And, most significantly, our commanders believe it is time for a new direction. General Powell, General Zinni, General Batiste, General Gregory Newbold, and others have all expressed concern about the future of Iraq. These are individuals who were involved in the planning and execution of the war; and, obviously, they do not like what they see.
Even former director of the National Security Agency under President Reagan, retired Lieutenant General William Odom, acknowledged on Sunday that "the President’s policy in Iraq is based on illusions, not realities."

I do not believe that public opinion alone should shape public policy, but no one should underestimate the intelligence of the American people. They are convinced that "stay the course," as President Bush has suggested, has not succeeded.

Every Member of Congress wants our soldiers to succeed in Iraq. No elected representative in this institution would ever seek to undermine our servicemen and women. But the facts are clear. The war in Iraq is the most important issue facing America today, and our constituents are entitled to know where their representatives stand on the way forward. That is why this debate, finally, is so important. Just as the debate in 2002 led us into the war with Iraq, I hope this conversation with the American people that we have today will begin the process of bringing our troops back home.

More than 4 years ago, I came to the floor of the House with deep reservations about President Bush’s unlimited powers to authorize this invasion of a sovereign country. It is the best vote of opposition that I have offered in my 19 years in this House of Representatives.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield 4½ minutes to the gentleman from Ohio, Mr. JIM JORDAN.

Mr. JORDAN of Ohio. Madam Speaker, I thank the gentleman for yielding, and I thank him for his amazing service to our country.

Madam Speaker, I rise in opposition to this resolution. There have been many good arguments made as to why this resolution is not in the best interest of not just the best interest of our country. But I want to focus on one point, and that is just how real and how serious the threat of terrorism is, because that is what this struggle in Iraq is really about. And I am just going to read the list of terrorist attacks against Americans, and we have heard this list before, but I think it is important to refocus on this:

In 1979, 66 American hostages were taken in Iran. In 1983, 241 Marines were killed in Beirut. In 1988, 190 Americans were killed in the PanAm bombing. In 1993, in the first World Trade Center bombing, we lost six Americans. In 1996, 19 servicemen were killed in the Khobar Towers bombing. In 2000, 17 American sailors lost their lives in the USS Cole. And, of course, in 2001, that date we all remember, 9/11, 2,973 Americans lost their lives in the World Trade Center bombing, in the Pentagon, and in Pennsylvania.

When you think about the actions of these terrorists and how real and dangerous they are, I am reminded of last summer when the Pope made a statement in a speech about the radical element, small but radical element, within the Islamic faith and the violence associated with that element. And the reaction to the Pope’s statement about violence among this radical, but small, proportion of the element I have seen is that they talk about violence was violence. It was the destruction of churches, the destruction of buildings. It was the taking of a life of an innocent nun in Italy. That is what we are up against.

This resolution puts us on a path towards leaving Iraq before victory is attained. It puts us on a path that will cut funds to our brave men and women already in battle. It puts us on a path that will make no sense. And, most importantly, I think, it puts us on the wrong path that will most assuredly embolden the very people who are responsible for the terrorist acts I just listed.

If you remember, shortly after 9/11 the President gave a series of speeches where he outlined a policy. He said if you are a country that harbors terrorists, if you are a country that provides financing, if you are a country that trains terrorists, if you are a country that is producing weapons that are going to harm vast numbers of people, if you are doing those things, we are going to put you on notice. That we are not going to tolerate it.

And if you remember, it was amazing how quickly Moammar Kadafi in Libya found the Lord and saw the light and how quickly he was willing to say, I am going to get rid of these weapons. United States. He understood that when America says something, we mean it. If we just do what this Democratic resolutions puts us on the path to do, I am afraid of the message it sends to the world and what that can mean for the future safety of Americans and for our military.

This is a great country. We have been able to overcome whatever challenges we have had to us throughout our history. And it is important that we have the same resolve as we approach this challenge.

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When you think about the actions of these terrorists and how real and dangerous they are, I am reminded of last summer when the Pope made a statement in a speech about the radical element, small but radical element, within the Islamic faith and the violence associated with that element. And the reaction to the Pope’s statement about violence among this radical, but small, proportion of the element I have seen is that they talk about violence was violence. It was the destruction of churches, the destruction of buildings. It was the taking of a life of an innocent nun in Italy. That is what we are up against.

This resolution puts us on a path towards leaving Iraq before victory is attained. It puts us on a path that will cut funds to our brave men and women already in battle. It puts us on a path that will make no sense. And, most importantly, I think, it puts us on the wrong path that will most assuredly embolden the very people who are responsible for the terrorist acts I just listed.

If you remember, shortly after 9/11 the President gave a series of speeches where he outlined a policy. He said if you are a country that harbors terrorists, if you are a country that provides financing, if you are a country that trains terrorists, if you are a country that is producing weapons that are going to harm vast numbers of people, if you are doing those things, we are going to put you on notice. That we are not going to tolerate it.

And if you remember, it was amazing how quickly Moammar Kadafi in Libya found the Lord and saw the light and how quickly he was willing to say, I am going to get rid of these weapons. United States. He understood that when America says something, we mean it. If we just do what this Democratic resolutions puts us on the path to do, I am afraid of the message it sends to the world and what that can mean for the future safety of Americans and for our military.

This is a great country. We have been able to overcome whatever challenges we have had to us throughout our history. And it is important that we have the same resolve as we approach this challenge.

I am just going to read the list of terrorist attacks against Americans, and I think it is important to refocus on this:

In 1979, 66 American hostages were taken in Iran. In 1983, 241 Marines were killed in Beirut. In 1988, 190 Americans were killed in the PanAm bombing. In 1993, in the first World Trade Center bombing, we lost six Americans. In 1996, 19 servicemen were killed in the Khobar Towers bombing. In 2000, 17 American sailors lost their lives in the USS Cole. And, of course, in 2001, that date we all remember, 9/11, 2,973 Americans lost their lives in the World Trade Center bombing, in the Pentagon, and in Pennsylvania.
supplying insurgents against an unpopular foreign occupier, the same role that we played in helping the Afghans to fight the Soviets 20 years ago; and we know how that conflict turned out.

In history I see the lessons, Madam Speaker, today, in 200 B.C., when King Pyrrhus of Greece defeated the Romans during the Pyrrhic War, his army suffered irreparable casualties in battle. And when he was congratulated on his victory, he replied: “Another victory like that over the Romans and we are undone.”

We have heard the word “success” and we have heard the word “victory” so many times that they are now as pyrrhic, empty, fleeting, hollow.

The lesson is clear. The President’s escalation plan offers an illusion, when only one outcome is possible: that it offers a Pyrrhic victory at best.

Our Armed Forces have been used, abused, refused and accused. They have been overstretched. They were ill-equipped from the very beginning. Don’t tell us we don’t support the troops, when you did not give what they deserved in the field of battle. Our military readiness to fight the ongoing war on terror is now in serious doubt because of this war. Don’t question our patriotism. Don’t question our support or the American people’s, Listen.

By the way, Madam Speaker, have we asked the Iraqis what they feel? Well, 80 percent of them want us out. Don’t they deserve to decide? Can you ask anyone at least the very people whose country we occupy, this sovereign nation? This is unbelievable. It is illusionary at best. And what will we say to these Iraqi people? I want to hear the answer from the other side. What is your answer for them when they say, Don’t stay here, and certainly don’t escalate.

I ask the loyal opposition to our resolution to tell the American people how much do the intentions of the Iraqi people matter to you?

The epicenter of our fight against terror is on the border of Afghanistan and Pakistan. Many of us have been there. Many of us have gone there. You have forgotten that part of the world, which many did not even know on September 11, 2001, where Afghanistan was in the first place.

The clear message we send to the Iraqi people and the American people is that we will bring freedom to Iraq, even if it takes the blood of every Iraqi and the lives of more American soldiers. That is not good enough. That is not acceptable.

You have heard the statistics from speaker after speaker. Previous escalations in this war have not worked. Why will this one work? Our ill-fated presence in Iraq is being used as a propaganda tool for the enemy, al Qaeda, and other terrorists worldwide.

In the years since 9/11, the terrorists we supported through this President’s policies than were captured or killed. There weren’t any terrorists in Iraq in 2003, but there are now.

I urge my colleagues to support this resolution.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 4 minutes to Mr. PETER ROSKAM from Illinois.

Mr. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, we are here to debate a House Concurrent Resolution, and the root verb of “resolution” is resolute. I just want to challenge the House today to consider the resolution of our enemies. I would like to read three quotes to you.

Resolved, by Osama bin Laden. The whole world is watching this war, and the two adversaries, the Islamic nation on the one hand and the United States and its allies on the other. It is either victory and glory or misery and humiliation.

Or how about this? Resolved, in the al Quaeda charter: There will be continuing enmity until everyone believes in Allah. We will not meet the enemy halfway, and there will be no room for dialogue with them.

Or how about this, and I am paraphrasing: Resolved, from Osama bin Ladens deputy, who said that the plan is to extend the jihad wave; to expel the American forces and extend the jihad wave to secular countries neighboring Iraq, clash with Israel and establish an Islamic authority.

Is there anyone among us who doubts the resolve and clarity with which our opponents are speaking? I don’t.

I think what is lacking today in our conversation is the consequences of failure. The previous speaker used the words “victory” and “success.” He had a very low view of them, and I understand his characterization of those words. He said we have heard those words before. That is what the gentleman from New Jersey said.

But, do you know what? We will hear the word “failure” when it is used in the context of this challenge that is before us.

There is no question that there has been great difficulty that has gone before us in this fight. There is no question that there have been great mistakes that have been made, and I am wholeheartedly in favor of us acting as a coequal branch of government and calling for benchmarks and demarcation and holding the administration accountable for its decisions. But if we retreat, if we pull out, if we retreat, if we yield, what will happen? Is there anybody really who thinks that Iran, for example, will be less provocative? Is there anybody who thinks that al Qaeda will be less provocative?

If we fail, extremism in this world, will it be ascendant or will it be descended?

Madam Speaker, I close with a simple question, and that is, we need to talk. What is it about this resolution that does one of those things? Does this encourage our troops, or does this discourage our enemies? I would suggest that this resolution, while it is serious, oh, it is very serious, it is not substantive. This is the ultimate expression of legislative passive aggression. It offers no substantive alternative.

Madam Speaker, I rise in opposition, and ask my colleagues to do the same.

Mr. ENGEL. Madam Speaker, I yield 5 minutes to my dear friend in the adjoining district, the gentlewoman from New York (Mrs. LOWEY), the Chair of the Foreign Operations Subcommittee of the House Appropriations Committee.

Mrs. LOWEY. Madam Speaker, a violent civil war is raging in Iraq, with atrocities against innocent civilians mounting every day. Our troops, our brave troops, are caught in the crossfire, dying and being maimed driving on local roads, patrolling neighborhoods and moving about by helicopter. What is their mission today? What is the strategic objective of this escalation proposed by the President?

President Bush’s plan to deploy 20,000 additional U.S. combat troops to Iraq is not a new strategy, and nothing I have seen or heard has convinced me that this escalation will make a positive difference in the ongoing war on terror. It is unacceptable to send more soldiers to Iraq, but it is unconscionable to send them without proper armaments and support, without the protection they need. Throughout this war, many in Congress have addressed the lack of equipment and protection for our troops. Now, military leaders are saying there are not enough armor kits and vehicles to protect these additional five brigades the President plans to send to Iraq. It is unacceptable to send soldiers to Iraq, but it is unconscionable to send them without proper armaments or an explanation from the administration about how our troops will be protected.

Madam Speaker, 3,132 Americans in uniform have died and 25,417 have been wounded since the beginning of this war in Iraq. I visited our wounded soldiers at Walter Reed, Bethesda Naval Hospital, and, most recently, at Landstuhl Military Hospital in Germany during my visit to Iraq with the Speaker.

I stood at the bedside of a 23-year-old severely wounded soldier, a soldier who was holding the hand of his 21-year-old brother, currently serving in Iraq, and the hand of his father, who had also served in the Armed Forces, a soldier who will likely never come home. These families are making the ultimate sacrifice for our family. I am humbled by their commitment, their professionalism and dedication. We have a responsibility to our Armed Forces.
Forces, our citizens, and the constituents who have elected us to bring them home as quickly and safely as possible. I am convinced that the thorough analysis and conclusions of the bipartisan Iraq Study Group are correct. Iraq leadership must take responsibility for the country’s security and government and we must engage the international community to work towards stability in the region. There is no military solution to the crisis in Iraq, and we cannot send more brave men and women into a civil war without a clear strategy.

As I have said many times before, there are no good solutions to the quagmire in Iraq. This war was ill-conceived, poorly planned, and incompetently executed. The best military minds must now focus their efforts on the safe and responsible redeployment of our troops rather than on this escalation. I cannot support sending more of our brave men and women in uniform on a last-ditch, misguided mission.

We best support our troops, my colleagues, and our national interests, by adopting this resolution, and by expressing clearly on behalf of the American people our firm determination to change course in Iraq.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Idaho, Bill Sali.

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

Mr. Sali. Madam Speaker, before I begin, I would first like to thank you for reminding the body of the need for decorum in our remarks.

Madam Speaker, several points. First, it is stunning to me that this body will consume over 36 hours of floor debate on a nonbinding resolution. This should be on the consent calendar. Irrespective of one’s position on the war in Iraq, all taxpayers are right to be incensed by this in Congress.

This legislation will not have the effect of law, will neither inspire nor implement military action in Iraq or elsewhere, will not encourage our troops on the ground nor foster victory over America’s enemies that practice terror. It will have one effect: poking the President and we military and our enemies view us? For one thing, they fear George W. Bush and our military. That is why Libya’s Mu’ammar Qadhafi 3 years ago surrendered his nuclear materials to the U.S. That is why Moqtada al-Sadr, Iraq’s most powerful militia leader, just made a beeline for Iran; not for a sunny vacation from long, tiresome days of planning suicide bombings, but because he feared for his life.

But America’s enemies view Congress quite differently. They see us as divided, irreligious, unwilling to face honestly the need for such a plan for our destruction. Hence, this nonbinding resolution.

In light of this reality, I would ask my friends across the aisle, what is your binding plan for defeating America’s enemies? America, our allies and our enemies are still waiting for your binding plan.

More than 3,000 Americans have died upholding the hope of defeating America’s real enemies and bringing freedom to Iraq. We must not allow their deaths to become a pretext for the abandonment of that hope of victory or abandoning the Iraqi people. But rather, they must serve as the inspiration for a renewed commitment to the ultimate goal of victory and security for Iraq. We owe to their heroism and sacrifice nothing less than one thing, victory over America’s enemies in Iraq.

America is the last best hope of man on Earth. A victory in Iraq is our last best hope of defeating America’s most dangerous enemies and also the freedom and security in the Middle East.

We must not fail.

Mr. ENGEL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I am going to come here and speak from the heart. I do not want to read a speech because I think it is important to speak from the heart. I am not here to point fingers. I am not here to chastise anyone. I am not here to talk about what might have been.

I support our soldiers. I support the war against terror, but I rise in support of this resolution, which is Congress’ recognition. We must look, Madam Speaker, at the current situation in Iraq; as it is, not as we might wish it to be, but as it is.

Several years ago, I voted to give the President the authority to go to war in Iraq based on what we were told then. I must say that I regret that vote.

I regret it not only because no weapons of mass destruction were found or the connection between al-Qaeda and Iraq at that time, even though we were told there was. There was obviously faulty intelligence. We will never quite know if we were misled or if our intelligence was bad. But one thing is very clear to me, that this war has been mishandled from the beginning.

The President is now talking about a surge of sending 21,500 more troops to Iraq. When we first went into Iraq, I am a big believer if you are going to do something, you do it right or you do it all. We were told by General Shinseki that there were not enough troops in Iraq, not enough troops at that time several years ago to do what is required, to protect our people, to protect insurgents from coming in, to protect people that would do us ill from coming in.

And his statements were dismissed. Not only were his statements dismissed, but then he was dismissed; and now here it is 3 or 4 years later, we are being told that the solution is to send more troops again. It is obvious to me that this is too little too late.

The war in Iraq has morphed into a civil war. It is obvious to anybody who looks at the situation that the Shia and the Sunni are fighting each other, and our brave men and women are caught right in the middle. Eighty percent of the people of Iraq on both sides do not want us there, and more and more our people are becoming sitting ducks.

I grieve for the more than 3,200 brave Americans who have died and the countless thousands more who have been injured; but it is one thing, Madam Speaker, to die in fighting for the freedom of your country, defending your country. It is quite another to die in a senseless civil war. It is quite another to die in a senseless civil war and more we see we cannot control nor probably should we attempt to anymore.

From the minute we came into Iraq, unfortunately, not only did we have no troops, there was mistake after mistake. We fired the Ba’ath Party people.

So we had people who were angry at us to begin with. We have not been able to give the Iraqis what we said we would give them. They find that the way of life is worse now than ever before. We were not greeted as liberators, but we were greeted as occupiers.

And when we look at what we supposedly are there to protect, we look at the Shia government of Iraq, Mr. Maliki. He is propped up by the al-Sadr brigade, viciously anti-American, viciously killing Iraqis. He cannot go after them. They are the base of his support, and we are to believe that somehow he is a great patriot and is fighting for democracy in Iraq.

We talk about al Qaeda. Al Qaeda is the enemy that you fight. We talk about to defeat America’s enemies and Iraq at that time, even though we were told there was. There was obviously faulty intelligence. We will never quite know if we were misled or if our intelligence was bad. But one thing is very clear to me, that this war has been mishandled from the beginning.

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I will never ever forget September 11, 2001. And we have to go after al Qaeda and we have to fight terrorism, but I believe that the war in Iraq has now become a distraction against the war on terror.

So by staying in Iraq, are we fighting the war on terror, or are we making it more difficult? A troop surge will not work. There are other priorities that we have. Our young people are sitting ducks. This is more and more like Vietnam. You cannot leave and you cannot stay.

We support our troops. This surge will not work. Congress needs to send this message to the President and to Iraq and to the world.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 5 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, I am proud to be yielded time from a true American hero.

If at any time while I am in the Congress and I am asked to vote to authorize war, I will ask myself two fundamental questions, two caveats to such action. Number one, what are the United States’ vital interests? How are our troops being asked to support them? Number two, what is the mission and how is the mission being defined?

I was not in the Congress when the vote to give the President the authority to go to war in Iraq was taken, but as I remember the debate during that vote, it was heavily predicated on the fact that we thought that Saddam Hussein had weapons of mass destruction, and the mission seemed to be principally defined as finding WMDs. It is clear that he had them at one time because he used them on his own people.

However, since we have gone into Iraq, whether it is because they have transited the country or they were destroyed, or whatever the reason, we have not found them.

Then the mission was defined as toppling the oppressor, the butcher of Baghdad, Saddam Hussein. And we have done so. We let the Iraqi courts exercise their due diligence in a court of law, and he is dead now. Good riddance, and hanging was too good for him.

We then defined the mission as providing a stable framework that would allow the Iraqis to build democracy because I firmly believe that the American people can understand it. But most importantly, the brave men and women who wear the uniform and are in theater risking their lives and their limbs need to be able to understand the mission.

President Bush has said that the mission is to achieve stability in Iraq, to train the Iraqi forces so that they will be able to stand up so that we will be able to stand down. He says that the so-called surge is a necessary thing to do.

As a member of the Armed Services Committee, I have listened to the testimony from the Joint Chiefs of Staff, the Secretary of Defense, and we ask how this surge will work, and in my mind, a surge is a quick, overwhelming show of force. However, as it has been explained to me, this action will have two of a total of five brigades begin to deploy to Baghdad and the Anbar province and then gradually the other three brigades will be deployed as an assessment can be made on how the first two are doing.

I will note that I have read that General Schoomaker, Army Chief of Staff, has explained that he thought the surge had a 50-50 chance of success.

Madam Speaker, our troops have done everything that we have asked them to do and more, and you cannot blame the Iraqis’ failure to stop killing one another in a religious frenzy.

I am a product of the Vietnam era. My husband was an Air Force pilot in Vietnam. My country has the largest chapter of Vietnam veterans in the entire Nation, and although I have resisted making any analogy from Iraq to Vietnam, I will make this one personal observation.

From the very beginning of the Iraq conflict, we should have allowed our troops to go in and use overwhelming force; but we were told, no, that we had enough. Those that suggested otherwise were dismissed, and so they micromanaged from the White House, and now I think they are doing the same with this surge. Our troops can win, but they are being held back. They are being micromanaged by our politicians. We are not letting them win, and this is the lesson that I learned from Vietnam.

In Vietnam, we used a graduated response. We held back our troops. We did not use overwhelming force, and after many died, we left the field and I cannot believe in my lifetime that once again we are making a mistake.

I support the troops and I support their families. I support the Army General who is in charge there, General Weyand.

Mr. BISHOP of New York. Madam Speaker, I rise in strong support of this resolution which is a clear and concise response on behalf of the majority of Americans who share our opposition to the President’s misguided plan to escalate the presence of U.S. troops in Iraq.

We can all agree upon and indeed must take this opportunity once again to affirm that our support for the brave men and women of the United States Armed Forces is steadfast and undying.

As this resolution declares, our first priority must continue to be protecting the brave men and women in uniform who have served this Nation honorably and valiantly. The decision to invade Iraq is the single most devastating and misguided foreign policy decision our Nation has ever made, and the process of protecting our Nation from compounding this tragic error must begin this week under new leadership with a clear vision and a plan that finally acknowledges that we can no longer stay the course in Iraq.

After nearly 4 years of war, the sacrifice of more than 3,100 brave service men and -women, tens of thousands more injured, and over $600 billion spent on the war to date, President Bush’s “mission accomplished” declaration certainly rings hollow.

We must not forget whose war and misguided strategy failed us, and we must ask who the President is listening to beyond the small circle of advisors who were the architects of this fiasco in the first place.

The only strategy this administration has proposed is to stay the course, augmented by four earlier surges, along with the most recent plan to deploy the additional 21,500 U.S. troops, likely to escalate further to 40,000 to 60,000 more troops before the year’s end. This latest policy is stay the course writ large.

The President’s plan operates under the assumption that somehow, despite
all the evidence to the contrary, there is a military path to success if only more forces are on the ground. Not only is this logic flawed, it flies in the face of the wisdom of his top generals in the field, such as the former commander of the U.S. Central Command, John Abizaid, who told the Armed Services Committee that “more American troops right now is not the solution to the problem.”

I agree. We cannot afford to inject more of America’s best and bravest into a war that is not about the armor and training to protect them. Shortchanging our heroes in the face of a relentless insurgency is unworthy of this Nation. If we can’t supply our troops with what they need, how can we possibly contemplate an escalation?

Without a reduction to the violence against U.S. troops, without stability in the region, and without evidence of a correlation between the raging violence and the number of U.S. troops and the number of trained Iraqi troops, now is the time to reduce the U.S. combat presence in Iraq, not expand it.

The Republican mantra has been that the Democrats don’t have a plan for Iraq. What I will offer is a comprehensive plan to fight the war that includes implementing the recommendations of the Iraq Study Group, a regional conference to engage Iraq’s neighbors diplomatically, and seeking political solutions to the escalating turmoil in the region. But again I would ask, what evidence is there to suggest that this President will listen to anyone’s plan other than his own?

This is simply not an insurgency that needs to be crushed. Confirmed by the President’s most recent National Intelligence Estimate, Iraq is in a state of civil war, and thus political solutions are needed to address the real problem. Although al Qaeda remains active in Iraq, they have been surpassed by ethnic violence, the primary source of conflict and the most immediate threat to stability in Iraq.

Proponents of the war claim that those opposed to the surge aren’t supporting the troops. I would ask them how we are supporting our troops while keeping them in a country where 70 percent of Iraqis believe it is acceptable to attack U.S. troops, where 78 percent believe that our troops provoke more than they can handle, where three-quarters of them would feel safer if American forces left Iraq.

By staying the course in Iraq, we are putting our troops in a situation that has no positive outcome. Aren’t the lives of our military, our diplomacy, and our prestige suffering at the hands of the President’s policies, and to more of the same is our solemn responsibility, consistent with the objectives of this resolution, the hopes of the American people, and the mission of the U.S. Armed Forces.

Mr. Speaker, I commend the Majority leadership and the distinguished chairman of the Armed Services and International Relations Committees for their hard work and making this debate prove why democracy works, unites us, makes us stronger, more resolute, and why these strengths—that our enemies envy and seek to overwhelm—will ensure that we ultimately prevail over them.

Opposition to this surge does not mean a lack of support for our troops; rather, it affirms what the American people made clear last November, that our policy in Iraq is not working and that we need a new direction. I will vote for this resolution, and I will continue to join with colleagues on both sides of the aisle to bring our involvement in this misguided tragedy to an end.

The NIE also indicates that, rather than contributing to eventual victory in the global counter-terrorism struggle, the situation in Iraq has diminished America’s position. What additional resources need to be deployed to prove that his policies in Iraq are only making matters worse for Iraqis and making the world decidedly less safe for America?

And to those who would argue that this resolution sends a signal to our enemies, we know that our strategy is working. This debate proves why democracy works, unites us, makes us stronger, more resolute, and why these strengths—that our enemies envy and seek to overwhelm—will ensure that we ultimately prevail over them.

I hope my fears and the fears of others about chaos and calamity prove false. If the Shiites and Sunnis controversy escalates and the situation worsens, we could be faced with a clamor to admit thousands and perhaps millions into this country. I call on the President and the Secretary of State to not allow a mass immigration into this country with the dangers and pitfalls that it could bring to our safety and security. The terrorists would surely enter into this country in such a way as the 9/11 terrorists swam around in a sea of illegal immigration before we were struck on September 11.

Let us vote “no” and let us forestall, if not prevent, calamity.

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to one of our freshmen, Representative JASON ALTMIRE of Pennsylvania, surely a rising star.

Mr. ALTMIRE. Madam Speaker, in the lead-up to the war in Iraq, the President offered the American people many reasons why we should enter into this conflict. It was unilaterally that Iraq possessed weapons of mass destruction and posed an imminent threat to the United States. We have since learned that pre-war intelligence was completely inaccurate. We were told that proceeds from Iraq’s oil reserves would pay for the cost of the war. Instead, the American people have paid for the cost of
American people to continue to voice their opinion that, with his policy of escalation, the President is heading down the wrong path.

The best way forward is for the President to work with Congress, to change course, and adopt a responsible strategy that protects American interests in Iraq, around the region, and at home.

I urge every Member of this House on both sides of the aisle to heed the call for change and vote for this resolution.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Oklahoma, Mary Fallin.

Ms. FALLIN. Madam Speaker, I would like to begin by reviewing a little history. There have been a number of times in American history when wars didn’t go as we had hoped or planned. That winter at Valley Forge was certainly difficult. During the War of 1812, the British occupied this very building, and the Civil War was far more costly and far longer than we hoped it would be.

In World War II, the North African campaign was something of a mess. And the bloody island campaigns of the South Pacific were not something we had foresaw.

In Korea and Vietnam, we brought limited force to bear, and we wound up settling for stalemate and ultimately defeat.

So some of our wars went well, but many others looked a lot simpler and cleaner in the history books than they really were in reality. And if there is one constant warning that runs throughout our history, it is this: Congress has a vital role to play in helping America win its wars. But it can also go wrong.

The war on terror is not a game. But the war on terror is not a game. We have to consider what our enemies will read into this resolution. What if Congress during the Valley Forge winter had passed a resolution saying it is time to send our troops home, retire General Washington, and go ahead and pay the tax anyway? What if Congress in the spring of 1863 had looked at the results of Bull Run and said, We can’t win this, it’s a civil war. Forget the idealism about freeing the slaves.

What if Congress in 1942 or 1943 had told Franklin Roosevelt to pull out of North Africa and Italy and to give up those silly ideas of liberating France? What would our enemies have thought about America’s lack of will? They would have assumed that we had lost our will to win, and they would have said America can’t cut it.

Well, make no mistake, Iraq is just one battle in our overall war on terror. If this resolution passes, it is sending a very clear message of our weakness, and our enemies are watching today. Just listen to the words of Osama bin Laden. He said, The whole world is watching this war and the two adversaries, the Islamic Nation on the one hand, and the United States and its allies on the other. It is either victory or glory, or it is either misery or humiliation.

We cannot be the Nation of humiliation. The terrorists know what is at stake, and it is time that we show them that we know as well, and that failure is not an option for our Nation.

I urge the rejection of this resolution.
My Uncle Bert Braley served in the Army Air Corps, and my Uncle Lyle Nesselroad served in the Navy. My cousin, Dick Braley, was a Marine Corps artillery officer at a firebase in Vietnam.

These ordinary men taught me that patriotism is not something you claim by putting down others who disagree with your viewpoints. It is something you earn by the way you live your life, the respect you have for the institutions that make the United States a beacon of liberty, freedom and justice.

When I return to my hometown of Waterloo, Iowa, I am still surrounded by heroes. These heroes belong to the battalion of the Ironman Battalion of the Iowa National Guard. They are approximately 560 fathers, mothers, brothers and sisters from Waterloo, Dubuque, Oelwein and everywhere in between.

One of them, Ray Zirkelbach, is missing his second consecutive year in the Iowa House of Representatives, because their latest tour was recently extended. A flag is draped over his desk in the House chamber.

These heroes are the reason why I stand here today in opposition to the President’s plan to escalate the war in Iraq. On November 7, 2006, the voters of this country went to the polls and clearly stated that it is time for a new direction in Iraq.

Soon after, the bipartisan Iraq Study Group presented President Bush with a desperately needed blueprint for change. They recognized that the deteriorating crisis in Iraq couldn’t be solved by military action. Instead, it required a political solution between warring factions for a stable democracy to evolve.

The Iraq Study Group recognized that “stay the course” was a failed strategy, and that three prior troop surges had done little to stem the growing violence. They knew that the Iraqis would never get serious about standing up for their own country until they were confronted with a timetable for redeploying our forces.

After I was sworn in as a Member of Congress on January 4, I hoped that President Bush would listen to the advice of this bipartisan group whose recommendations he welcomed.

I hoped that he would move to fulfill the post-September 11th Defense Authorization Act of 2006, when this Congress stated that 2006 would be a period of significant transition in Iraq, with the Iraqi Security Forces taking the lead for their own security, so we could begin a phased redeployment of U.S. forces from Iraq. Instead, the President ignored the recommendations of the study group and chose to escalate the war in Iraq without charting a new course.

To my friends on the other side of the aisle who disagree with the resolution we are debating today, by all means vote your conscience. I will be voting my conscience and joining well-known Republicans who agree that the escalation is a mistake.

People like Senator Chuck Hagel of my neighboring State of Nebraska, who called the President’s escalation plan the most dangerous foreign policy blunder in this country since Vietnam, if it can be called a blunder.

People like former Iowa Representative Jim Leach, who said that the President’s policy in Iraq may go down as the greatest foreign policy blunder in U.S. history.

Well-respected military experts also oppose this escalation, including General Colin Powell, General George Casey and the Joint Chiefs of Staff.

The President truly stands alone with his strategy that his own generals, key Republicans, and the American people oppose. The time is long overdue for the people’s House to reassert its rightful place in our constitutional system of checks and balances.

We have a message that it is time for real change in Iraq, change characterized by accountability and redeployment of our troops. There will be no more blank checks. There will be tough questions in oversight, and I will work hard to make sure that this happens. I ask everyone to support the resolution.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 4 minutes to the gentlelady from North Carolina (Ms. Foxx).

Ms. FOXX. Thank you, a true patriot, Mr. Johnson.

Madam Speaker, I rise today not only in support of the brave men and women of the American Armed Forces, but also in support of the cause for which they fight. They heroically give of themselves every day to ensure the safety of our Nation and the freedom that we Americans enjoy.

Like my colleagues on both sides of the aisle, I want America’s troops home so we can end the violence and engage in a new way to protect our own security. We are combating a global adversary who sees an enemy in any Nation that supports the ideals of freedom. In the interest of democracy, global safety and rural peace, victory in Iraq is absolutely crucial.

While it is easy to complain about the war, they have offered nothing in the way of a solution to defeat the jihadists. It is fine to disagree, but your opinion holds little weight if you fail to offer a constructive alternative. Leadership takes strengths and courage to succeed. In the face of adversity, although mistakes may be made along the way.

Many comments have been made by those who support this resolution, but one that deserves a response is the oft-repeated phrase that this is an impossible war to win. What a terrible attitude for Members of the United States Congress to have.

What if George Washington had succumbed to the critics of his day who said those things? What if Abraham Lincoln, FDR and President Truman had taken that attitude? Where would we be now? We are here today because people who came before us refused to listen to the naysayers and the defeatists.

The true leaders of this Nation have always focused on the possible and accomplished it. These people remind me of the attitude of the Carter administration in dealing with Iran.

Let me quote a recent article by Dinesh D’Souza. “...they are willing to risk the country falling into the hands of Islamic radicals. Little do the people waging “the war against the war” know that in exchange for a temporary political advantage, they are gravely endangering America’s security and well-being, ultimately even their own.”

Let us band together as Americans, put aside political differences to show that we understand the need to defend freedom for the long and short terms. This is the decisive battle of our generation, and this is a defining moment of our time.

I cannot afford to lose and should vote “no” on this resolution.

[From the American Legion Magazine, Feb. 2007]

HOW WE LOST IRAN—AND WHY WE CAN’T AFFORD ANOTHER LOSS IN IRAQ

(By Dinesh D’Souza)

There are four important Muslim countries in the Middle East: Iran, Iraq, Egypt and Saudi Arabia. Islamic radicals control Iran, and Saudi Arabia has since the Revolution a quarter century ago. Now they have their sights on Iraq. If they get Iraq, we can be sure they will target Egypt and Saudi Arabia. Let’s remember that this is a region upon which the United States will continue to be oil-dependent for the foreseeable future. If the Islamic radicals succeed, the American way of life will be seriously threatened.

To understand the high stakes in Iraq, it’s helpful to understand how we lost Iran a generation ago. How did America “lose” Iran, and how can we avoid another debacle in Iraq? Islamic radicals have been around since the 1920s, but they were outsiders even in the Muslim countries. One of their leading theoreticians, Sayyid Qutb, argued that radical Muslims could not just propagate theories and have nothing; they must seek to realize the Islamic state “in a concrete form.” What was needed, he wrote, was “to initiate the movement of Islamic revolution in some Muslim country.” Once the radicals controlled a major state, he suggested, they could then use it as a beachhead for launching the takeover of other Muslim countries. The ultimate objective was the unification of the Muslim community into a single Islamic nation, governed by Islamic holy law.

In 1957, Qutb’s goal was achieved when the Ayatollah Khomeini seized power in Iran. Muslim scholar Hamid Algar terms the Khomeini revolution “the most significant event in contemporary Islamic history.” It was an event comparable to the French or the Russian revolutions. Virtually no one predicted it, yet it overturned the entire imperial structure and created a new nation, even a new way of life. The mullahs restored the Islamic calendar, abolished Western languages
from the schools, instituted an Islamic curric-ulum, declared a new set of religious holi-days, stopped men from wearing ties, re-quired women to cover their heads, changed the banking system to outlaw usury or inter-est, abolished Western-style criminal and civil laws, and placed the entire society under sharia, or laws based on the Koran. The Khomeini Iran provides the details in his memoirs and his sayings for three decades. Along with Ramos Clark, former attorney general in the Democratic administration of Jimmy Carter, Khomeini on his last day in Paris, before his triumphal return to Iran. Shortly after that meeting Clark conducted a press conference in the midst of this resurgemnt. The Senate Intelligence Committee, said the Khomeini was remarkably candid in his sayings for three decades. Along with Ramos Clark, former attorney general in the Democratic administration of Jimmy Carter, Falk, too, seems to have acted as a kind of unpaid pub-lic-relations agent for the ayatollah’s re-gime.

Upon consolidating his power, Khomeini launched a bloody campaign of wiping out his political opposition and reversing the lib-erties extended by the Shah to student groups, women’s groups and religious mi-norities. In one year, the Islamic revolu-tion killed more people than the Shah had executed during his entire quarter-century reign. Despite the fact that many progres-sions against the United States were imprisoned, tortured and executed, Khomeini’s actions produced a great yawn of indifference from America’s cultural left. Even when radical students overran the U.S. embassy in Tehran on Nov. 4, 1979, and took 52 hostages for 444 days, the left’s sympathy was with the hostage-takers. During this period, three liberal clergymen—William Sloane Coffin of New York’s River-side Church, National Council of Churches executive director William Howard and Catholic Bishop Thomas Gumbleton—visited the hostages and looked with approval as they held hands with their captors and sang. In the hostage crisis, these clergymen quite consciously contributed to America’s humili-ation.

By aiding the Shah’s ouster and with Kho-meini’s consolidation of power, the left col-laborated in giving radical Islam its greatest victory in the modern age. In part to Jimmy Carter, Muslim radicals got what they had been seeking for a long time: con-trol of a major Islamic state. Now, irony of ironies, Carter and some of the same people who lost Iran are back in the news, criti-cizing the Bush administration for what it is doing in Iraq. Some of them may be valid, but once again, they are forgetting that when you try and get rid of something terrible, you should at least make sure that you don’t get something even more terrible. Carter never understood that, and he still doesn’t. Rather than dispensing advice, the 39th president should be offering the United States an apology.

Yes, what’s going on in Iraq today is not pretty, but that could be said of just about any war. In trying to escape from a difficult situation, America should not put itself into another quagmire. The United States should always keep in mind what’s at stake in this conflict. Today in Iraq, the Islamic radicals are after their second big prize. Iraq is, in a way, more pivotal than Iran. The reason is that the Khomeini Revolution, despite its global aspirations,
proven to be very difficult to export. Iraqis are Persian, and thus ethnically distinct from the Arabs who dominate the Middle East.

Even within Islam, Iraqis belong to the Shia minority, while 80 percent of Muslims worldwide are Sunni. Consequently, Islamically radical groups have been attacking for the past two decades now to carry the revolution beyond Iran, to bring a second Muslim state under radical control, and to establish a model of terrorism that the Sunni majority in the Islamic world can emulate. So unlike in Vietnam, the United States faces an adversary that is not merely ideological but one whose victory would threaten our vital interests and our security, as well as our economic well-being.

Givens deserve courage and even anticipation with which some of the Bush administration’s critics propose prompt U.S. withdrawal from Iraq is remarkable. In a recent article in Harper’s, former presidential candidate George McGovern proposed that the United States get out of Iraq, give up its bases there, apologize for having invaded in the first place, accept responsibility for any bloodbath that ensues, and offer to pay reparations to Iraq for its war crimes. This advice is self-defeating. Why McGovern and his allies think is going to happen when U.S. troops leave? They seem eerily eager for the insurgents to topple the elected government.

Apparent dislike for President Bush is great enough that they are willing to risk the country falling into the hands of Islamic radicals. Little do the people waging “the war against the war” know that, in exchange for a temporary political advantage, they are gravely endangering America’s security and well-being, ultimately even their own.

Mr. ENGEL. Madam Speaker, it is my pleasure now to call on another one of our great new freshmen I have gotten to know, the gentleman from Iowa (Mr. LOEBSACK) for 5 minutes.

Mr. LOEBSACK. Thank you, Mr. ENGEL, for yielding.

Madam Speaker, today with all my colleagues I have in support our brave men and women of the Armed Services, as well as their families. We should honor their great commitment and sacrifices without hesitation. I support this resolution because I believe the President’s plan for occupation is the wrong approach to the conflicts in Iraq.

But this must not be the end of our efforts in Congress. For too long, Congress refused to stand up to the administration. Our actions today must mark the beginning of Congress’ role, not the end. The time has come to tell President Bush enough is enough.

Last November, the American people spoke loudly and clearly on a number of issues, but none more passionately and forcefully than the war in Iraq. The American people, long before this debate this week, decided that the misadventure in Iraq must end.

Our troops have performed valiantly in Iraq. In just a matter of a few weeks they removed from power a brutal dictator and began to provide the Iraqi people the opportunity to construct a new political order. Our troops have also contributed mightily to the reconstruction and development of the Iraqi economy and infrastructure.

But over the course of this conflict, the mission of our troops has been transformed, and now they find themselves in the middle of a civil war that involves not just two sides, but almost innumerable factions in conflict with one another. What is worse is the continued presence of American troops in Iraq will likely only inflame the ongoing sectarian strife and create more, if not fewer, enemies of America. The bottom line is that a continued presence of American troops will only exacerbate the multiple conflicts in Iraq.

As a member of the Readiness Subcommittee of the House Armed Services Committee, I have additional concerns regarding President Bush’s proposed escalation. I believe such an escalation will further strain the limited resources available to our military. Already we know our readiness levels for our troops not yet deployed are inadequate.

A further escalation of troop levels in Iraq will only exacerbate this problem and put more servicemen and women in harm’s way without the proper training or equipment. Our troops were not trained to be peacemakers in situations such as today’s Iraq. Some have argued that we need to increase the number of troops, so that we can engage in an action similar to what our forces did in Bosnia.

Madam Speaker, this is at best a false analogy. Iraq today is not Bosnia of 1995. Today’s Iraq is in the early stages of a series of conflicts that may indeed intensify, but this will occur irrespective of whether we insert another 21,500 troops. We simply cannot solve the sectarian conflicts militarily. While it was the Bush administration who initiated hostile actions in March of 2003, I believe it is now necessary for the Iraqi people to step up and assume responsibility for their future.

What is abundantly clear now more than ever is for this administration to reach out to our traditional allies and those in the region who have a significant stake in the future of Iraq. The Bush administration must do something that it has been woefully reluctant to do. It must admit that it made a major strategic and foreign policy mistake when it invaded Iraq in the first place.

And I am willing to wager that such an admission would go a distance towards at least beginning to repair our relations with the rest of the world, and the improvement of our relations with our traditional allies beyond the British is a prerequisite to securing their help on Iraq.

Madam Speaker, I call on my colleagues to support this resolution today, as the beginning of this Chamber’s efforts to protect our troops and bring our country’s involvement in this war to an end.

Mr. SAM JOHNSON of Texas. Madam Speaker, in closing, we have heard a lot of excellent presentation points today. I might just clarify the fact that the study group did recommend a surge in one part, and the President has eliminated the rules of engagement that we had laid on our troops over there, so we have a way to make this thing really happen.

I really want to know, if the Democracy insisting they are supporting our troops, why they wouldn’t let me introduce my measure that mandates that Congress would support and fully fund the men and women in uniform.

I am positive that Democrats will attempt to cut funding as soon as the military bill comes up this spring, and maybe earlier, because there was a press conference earlier today that indicated exactly that.

I fear what that means for our troops on the ground, for their morale. The reality is that President Bush realized he needed to change the course in Iraq, and that is why he worked with folks on the ground in Iraq to hear fresh ideas and came up with a new plan.

The President wants change and that is why he changed the rules of engagement, enabling our guys to shoot at any suspected terrorists. The President wants change. This improved political protections of all insurgents, so all of the bad guys could be brought to justice regardless of who they knew or who they worked for.

These ideas are huge breakthroughs and real solutions. These ideas represent fresh starts and new plans. What is the Democratic plan to move forward and win? They do not have one. Thirty-six hours of political grandstanding, nonbinding resolutions and petty posturing, they are not proposing solutions. They are not even encouraging new ideas. In fact, they stop them like when they squashed my amendment.

Many hope that the troop surge is the beginning of the end and all want that if it gets the job done. Yet the Democrats just say no. You know, the time will come when you can put the money behind these nonbinding resolutions. You better believe we will be watching and calling for those funding cuts loud and clear. America needs to know, cutting funds for our troops in harm’s way is not a remedy. It is a ruse.

Madam Speaker, I yield back the balance of my time, and yield the balance of my time to the next moderator, Mr. SAXTON.

Mr. ENGEL. Madam Speaker, I now yield to another one of our rising freshman stars, the gentleman from Maryland, Representative JOHN SARBANES, 5 minutes.

Mr. SARBANES. Madam Speaker, the resolution we are debating today is simple and direct. It declares strong support for our troops on the ground in Iraq and opposition to the President’s decision to send an additional 21,500 more American troops. I wholeheartedly endorse the resolution and pray that the President will heed its call.
Most agree now that it was a mistake to invade Iraq. Hearings in the Senate and the House are stripping away the last thin veneers of justification for that fateful decision. They are offering compelling evidence that the administration sacrificed wisdom, judgment, and conscience in favor of shock and awe.

Many of us sense a similar impulse at work in this administration’s dealings with Iran. Let us serve notice, this Congress and this President, that the administration’s proposed new direction in Iraq was labeled as unpatriotic and marginalized in the national discourse. But we have come a long way. Elections do matter. On November 7, the people in my district in Maryland and across the Nation sent a strong message.

The next day Secretary Rumsfeld resigned. Shortly thereafter the Iraq Study Group issued its report sharply criticizing the war. And in the next few days the United States House of Representatives will pass this resolution signaling stiff opposition to the administration’s proposal for a troop surge in Iraq.

To those patriotic Americans who have been relentless in their call for an end to the war, know this: collective voice has been heard. In my home State of Maryland, nearly 400 men and woman have died or been wounded in Iraq.

Two days ago, one of my constituents reminded me that the war is no longer being measured in time, but in lives. To the families who have sacrificed so much and who have suffered the ultimate loss, do not fear for a moment that a change in our policy in Iraq, that the effort to stop the escalation and begin drawing down our troops in any way dilutes the value this country places on the service of your loved ones.

History will treat harshly those policymakers at the highest levels who let ideology trump sound and informed judgment. It will fairly criticize politicians who have exploited this war for partisan gain. But it will reserve only pride and lasting gratitude for the sacrifice of our men and women in uniform amidst this sad tale of bungled intelligence and ill-considered policy. They alone are untarnished.

Madam Speaker, I have never been to war. Never kissed my wife and children goodbye, wondering whether I will ever see them again. Far from the harsh reality in Iraq, I am blessed with the sweet ebb and flow of life’s daily routines.

But like many Americans who witness our soldiers dutifully pushing forward every day under impossible circumstances, I am ill at ease. I know that the current policy in Iraq will only lead to more pain for many families and for our country.

Madam Speaker, the American people are tired, they are tired of rhetoric, they are tired of promises to put politics and partisanship aside when all they see is bickering and recrimination. Let’s give them hope. Let’s send a powerful message contained in this resolution.

Let all of us, the President, the House, the Senate, have the decency and dignity of purpose to put differences aside and work every day, beginning this day, to bring our troops home by the end of the next Congress, to all their communities, and to a Nation that stands humbled by their sacrifice.

Mr. SAXTON. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Madam Speaker, I rise today in opposition to the resolution before us. I wish I could do so with the type of certainty that seems to motivate many of my colleagues in this chamber, that such a resolve certainty escapes me. I do not have a military background. In fact, few of us debating this resolution do.

But each of us can find generals or former generals who will support virtually any policy put on the table. In the end, as legislators, we are left with our own counsel. Hopefully, such counsel is informed by briefings, hearings, meetings, and visits to the region.

But we cannot and should not try to place ourselves in the position of Commander in Chief. Our system of government wisely gives that role to the Chief Executive.

This is not to say, however, that we should not be having this discussion. Some have said that simply debating this resolution empowers our enemies. Perhaps they are right, but we would not suspend due process in this country because it might embolden criminals. It is a price we are willing to pay.

Likewise, debating the merits of war is what democratic nations do. My own thoughts on the situation in Iraq are as follows: I have little confidence that a surge in troop levels will change the situation in Iraq in any substantive fashion. It seems clear that the violence in Iraq is increasingly sectarian, and inserting more troops in this at-risk situation will not be the solution.

By my colleagues on the issue. But such certainty eludes me. I do not have a military background. In fact, few of us debating this resolution do. But each of us can find generals or former generals who will support virtually any policy put on the table. In the end, as legislators, we are left with our own counsel. Hopefully, such counsel is informed by briefings, hearings, meetings, and visits to the region.

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Without a more sincere commitment to step up to the plate from the Iraqi Government, we are unlikely to make significant progress. But when all is said and done, we have a Commander in Chief whom we have authorized to go to war.

Inserting ourselves as legislators into the chain of command by passing a resolution, nonbinding though it may be, that questions the President’s decision to conduct a mission that is clearly already under way strikes me as folly.

I urge my colleagues to vote “no” on the resolution.

Mr. ENGEL. Madam Speaker, it is my pleasure to again introduce one of our freshman rising stars, STEVE KAGEN of Wisconsin. I yield 5 minutes to him.

Mr. KAGEN. Madam Speaker, my name is DR. STEVE KAGEN. I am from Appleton, Wisconsin, and during the past 30 years I have cared for thousands of military veterans as their physician.

The resolution under consideration today and voted on tomorrow will answer these questions: What kind of Nation are we? In which direction shall we move? During these past several days we have all benefited from listening to hundreds of points of view from our elected representatives from every region of this great country on our ongoing involvement in Iraq.

During these past several months, I have been listening to the people who sent me here from northeast Wisconsin, people a lot like you, fiscally responsible and socially progressive, the citizens of northeast Wisconsin.

People in Wisconsin, like many elsewhere, voted for a positive change and a new direction. The new congressional class of 2006 has given us hope again. We are indeed not just in name but in spirit America’s hope, and I am proud to be associated with these talented individuals.

I rise today in support of our troops and their families and to encourage all of you to support this resolution. For it is the first step in bringing an end to our costly involvement in a senseless civil war between the Sunni and Shiite people.

Like every American, I strongly support our troops, but I cannot support the President’s poor judgment in promoting violence instead of diplomacy. The President has been wrong in every decision he has made in Iraq.

Indeed, on four separate occasions, prior escalations have failed. And his current plan makes no sense even to the generals who urge it most.

The reality is this, it was poor judgment that took us to war in the first place. It is time to take a different course. For the path we are on now is morally unacceptable. And here are the facts: more than 650,000 Iraq civilians dead; over 3,000 American heroes gone forever; over 20,000 of our troops maimed for life, many with scars we will never see, at an economic cost that may rise above $2 trillion.

Without a more sincere commitment to step up to the plate from the Iraqi Government, we are unlikely to make significant progress. But when all is said and done, we have a Commander in Chief whom we have authorized to go to war.

Miscellaneous
What kind of Nation will we be when all of our manufacturing jobs are taken overseas, when workers lose their rights to effective collective bargaining, and when our government closes its eyes to global warming? What kind of Nation will we be if we fail to win the global war on terrorism, if we fail to ensure the rights of all the people, if we fail to work together? Let us begin now to work together and take a different path, a path where people come first ahead of political parties, ahead of profit and loss statements, ahead of politics of fear. When we put people above politics, when we put our country above our interests, when we put our future above our past, we will begin to see a different world.

We will see that we must begin to solve our differences by means other than going to war. After all, war is our greatest human failure.

This is not an idealistic sentiment, a realistic assessment of the chronicle of horrors witnessed every day in Iraq, and even our own experiences here at home, in New York City, in Virginia, in Pennsylvania, in Oklahoma City.

We are excerpts of the leaders and our leaders alike that in the end diplomacy defeats violence. We must begin to think differently in America as we establish a new direction for hope in the world and a new beginning for our American era. By working together we will build a better future for all of us, beginning right here and right now.

Like the new congressional class of 2006, America’s hope, I strongly support our troops, but not the President’s failed policy. I encourage all of my colleagues to join the class of 2006 and vote “yes” on this important resolution. Join us. Be part of America’s hope.

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Madam Speaker, I rise today in opposition to this intellectually dishonest resolution. I do so in order to challenge the majority party to put aside where their mouths have been. The endless criticism to the war in Iraq is clouded by political opportunism and has done little or nothing to improve our chances of victory.

We need an honest debate. We need answers from those who support this resolution. What is next? What is your plan? It should come as no surprise that the resolution we are debating today says very little. There are less than 100 words. And while the rhetoric has been flying during the debate, it seems to me that the new Democratic majority is hoping to avoid debate in which they might have to defend their plan in Iraq.

What have we here is nothing more than a political exercise, a nonbinding resolution, words with no meaning. Make no mistake, their opposition to the President’s plan is political. There is no constructive criticism here. Read their resolution.

Iraq is the battleground, Madam Speaker, a key battleground against extremism, terrorism and the expansionist goals of our enemies.

If we fail, Iraq will be a hotbed of radical Islamic activity, a pivotal safe haven, a base from which to plan and fund attacks against us.

Madam Speaker, how is the danger associated with defeat in Iraq not clear? I ask my colleagues, do you not hear? Have you listened to the words of our enemies? Must we have more casualties in American cities before you accept the nature of this global threat? How quickly we forget.

Madam Speaker, I urge my colleagues to listen carefully to the words of Osama bin Laden. Last year, bin Laden said, “Iraq is the focal point of the war on terror. The most important and serious issue today for the whole world is this Third World War. It is raging in Iraq. The world’s millstone and pillar is in Baghdad, the capital of the caliphate.” Another one, “Jihad against America will continue. Jihad against America will continue economically and militarily. By the grace of Allah, America is in retreat. But more attacks are required.”

Madam Speaker, Osama bin Laden, as well as other Islamic extremists around the world, view the conflict in Iraq as the central battleground in their ideological struggle.

Make no mistake, we are at war, and it is about time that some of our members of our government figured it out. Someday soon, the Representatives who are supporting this resolution will have to explain what they have done to make us safer at home and abroad. Since this resolution does nothing more than embolden our enemies, demoralize our troops, and send mixed messages to our allies, they will have a difficult task before them.

Today, unfortunately, we won’t hear much about the Democrat plan for Iraq. We will, instead, hear a lot about failure and defeat. We might even hear a conspiracy theory or two. And, of course, we will hear a lot of political posturing.

But Madam Speaker, the American people deserve to know the truth. What happens next, Madam Speaker, to those who believe the President is wrong, to those who believe we rushed to war, to those who can’t get beyond our national intelligence failures and, instead, persist on conspiracy theories? Tell us, what is next? What is your plan to protect the American people?

Madam Speaker, I urge my colleagues to review the answers from the authors of this resolution. The American people have a right to know. Is your plan to simply stand aside and allow an ideology of hate to consume the Middle East?

I implore my colleagues, if you won’t heed the warnings of our military and intelligence organizations, listen to al Qaeda’s own words. They are speaking directly to you.

This is from Deputy leader al-Zawahiri recently. “I wish to talk to the Democrats in America. You aren’t the ones who won the midterm elections, nor are the Republicans the ones who lost; rather, the Mujahadin are the ones who won and the American forces and their allies lost.”

I ask my colleagues, how can you offer this resolution, knowing the enemy we face? Do you really have nothing to offer the American people about this? Is this the best effort of the new Democrat majority in response to our challenge in Iraq?

Madam Speaker, we should have an honest debate about Iraq. And my friends who are coming to this Chamber that the war and our need to be accountable for failing to say what is right.

In closing, I want to say how proud I am of the men and women who are fighting for our freedom and security all over the world. They don’t deserve what we are doing to them today. This resolution is a sham. It is nothing more than political grandstanding, and it is feeding the propaganda machine of our enemy.

I have been to Iraq. I have seen the efforts of our soldiers first hand. They want to win. They have seen the face of the enemy and I can assure you they are committed to winning. If you are committed to winning, vote “no” on this resolution.

Mr. KING. Madam Speaker, I now yield 5 minutes to Representative MIKE ARCURI of New York, another rising star from my home State.

Mr. ARCURI. Madam Speaker, Ameri cans are outraged with the present course in Iraq. Here we are, 4 years later with 3,100 of our brave men and women killed, fighting a war that has cost our Nation $370 billion.

It has become overwhelmingly clear that the current strategy to secure the peace of Iraq is failing. And yet the administration contends that sending more combat troops into Iraq is somehow a silver bullet that is going to quell the ongoing violence. I couldn’t disagree more.

This resolution before us today establishes two overwhelmingly clear and concise principles that are supported by a large majority of Americans, and I am confident will garner a great deal of support for many of my colleagues on the other side of the aisle.

First and foremost, we support our brave service men and women. They have done everything that has been asked of them, bravely and honorably; and for that, we in Congress and the people all over America will be forever grateful.

Second, and simply, we oppose sending additional troops into Iraq.

Madam Speaker, during this debate some of my colleagues have used the term “victory” in their remarks. Victory. But I say one thing. Not one of my colleagues in this Chamber, nor anyone in this administration, has yet to clearly define what victory in Iraq really means.

At one point we were told victory meant getting rid of weapons of mass destruction. Then, of course, we learned there were no weapons of mass destruction. When that didn’t work, we
Madam Speaker, I was not elected to sit in judgment on our brave soldiers and the Iraqi people. I was not elected to be a rubber stamp. I was, to accept the status quo, and I was not blind to the lawlessness and corruption that have been allowed, and this hollow process of governing has resulted in a hollow resolution. I urge my colleagues to vote ‘no’.

Mr. ENGEL. Madam Speaker, it is my pleasure to yield 5 minutes to a great new member of our Foreign Affairs Committee, Mr. ALBIO SIRES of New Jersey.

Mr. SIRES. Madam Speaker, I rise today in support of this resolution on behalf of the 32,000 men and women of our armed forces who have been deployed since 9/11. I am so proud of their sacrifice and service to our country and our allies, in the name of liberty and freedom throughout the history of this country. I also rise on behalf of my constituents, the people of New Jersey, and the people of this Nation whose tax dollars are paying for this war in Iraq. Since the beginning of the war, $379 billion has been appropriated. Another $235 billion is slated for the upcoming supplemental appropriations. We are currently spending $8 billion a month in Iraq, and the American people are footing the bill.

All this money could have been used to address some of our domestic problems here at home such as poverty, improving our schools, ensuring access to health care and investing in affordable housing. This money could have been used to invest in our children, our families, our veterans, and especially our elderly. But it wasn’t.

Instead, American taxpayers have also committed more than $38 billion...
to Iraq reconstruction. About 33 percent of this money is targeted for infrastructure projects like roads, sanitation, water, electric power and oil production. However, I am concerned that only 25 percent of the Iraqi population has access to drinkable water.

I am concerned that of the 136 sanitation and water projects, only 49 are said to be completed. I am concerned that the residents of Baghdad only have 4 1/2 hours of electricity per day. And I am concerned that the current oil production in Iraq is half of what it was prior to the war.

Since the reconstruction project started, the Coalition Provisional Authority can’t account for almost $9 billion of the taxpayers’ money. Every year, $41 billion has been lost because of lack of oversight.

There have been many problems with poor project and quality management. For example, the Baghdad Police College cost $75 million, and it was built without the proper plumbing for waste water. It has become a health and a structural hazard. The Basrah Children’s Hospital is running $48 million over budget and is a year behind schedule. And after spending $136 million, Parsons has only 15 of the 165 planned health care centers completed and only 14 more will be finished. The list goes on and on.

Madam Speaker, the Iraqi Government says $100 billion is needed over the next 4 years to rebuild the country’s infrastructure. Madam Speaker, the Iraqi Government seems to think they have open access to U.S. dollars. The Iraqi Government and the Iraqi people must take responsibility and help rebuild their country. Our support is not open-ended, and neither are our tax dollars.

Madam Speaker, I support this resolution and this debate because our troops and our constituents can no longer afford to have this Congress support the administration’s failed Iraqi policies. They failed to give us the necessary oversight for Iraq reconstruction efforts, they failed to listen to the advice of the military commanders, they failed to listen to the American people, and, as a result, they failed to support a plan to success in Iraq.

Mr. SAXTON. Madam Speaker, I would like to yield 4 minutes to the gentleman from York, PA (Mr. PLATTS).

Mr. PLATTS. I thank the gentleman for yielding.

Madam Speaker, I want to first take this opportunity to express my heartfelt gratitude and deep respect for our troops and civilians serving in harm’s way. I have had the privilege of visiting our troops in Iraq on four occasions and Afghanistan twice, and they and their families are truly the heroes in America.

I rise today in opposition to this resolution, a resolution that seeks to maintain the status quo, in essence, to stay the course, a scenario that everyone agrees is unacceptable. This resolution offers no alternative strategy.

As we consider the challenges in Iraq, we need to remember and learn from the lessons of Afghanistan. In the 1980s, we supported the Afghanis in defeating the Soviets, helping throw the Soviets out of that country. In 1989, when that happened, what did we do? We walked away. We did not finish the job. We did not help the people of Afghanistan to stand up a secure and stable government. We walked away. Who filled the vacuum? The Taliban, and ultimately al Qaeda, a safe haven for them to plan attacks against America and its interests.

In 1989, I imagine that few Americans believed that what went on in the mountains of Afghanistan would impact the lives of Americans here at home. On September 11, 2001, in a tragic fashion we learned that that was the case, that what went on in Afghanistan mattered here. We cannot afford to make the same mistake now in Iraq, to allow Iraq to become a safe haven for al Qaeda and other enemies of our Nation and our citizens.

The Iraq Study Group offered a comprehensive strategy for ‘Iraq. It included political, diplomatic, and military options. As part of the military proposal, it dismissed increasing our troop levels by 100,000 to 200,000 troops, saying it was not feasible and would lead to the argument of an occupation.

However, the Iraq Study Group did support more limited troop reinforcements. And I quote from the Iraq Study Group report: ‘We could, however, support a short-term deployment or a surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the United States commander in Iraq determined that such steps would be effective.’

The report goes on to dismiss the idea of an immediate withdrawal. Well, our commander in Iraq today, General Petraeus, an individual confirmed unanimously by the United States Senate, is on record supporting the need for these additional reinforcements.

Ultimately, the key to long-term success in Iraq is the Iraqi people themselves. They need to show the ability and the will to stand up and secure their emerging democracy. Having liberated the country from a regime of terror and torture, our role today is to assist the Iraqis in achieving a stable and secure nation. This reinforcement effort is part of that effort, along with regional diplomatic efforts and internal Iraqi political reconciliation efforts. We are now in the role of helping the Iraqis help themselves. We cannot forget the lessons of Afghanistan and walk away.

I urge a no vote.

Mr. ENGLE. Madam Speaker, it is now my pleasure to yield 5 minutes to another great new freshman, Representative ZACK SPACE of Ohio.

Mr. SPACE. Mr. Speaker, I rise today to share with you my belief that we, as a people, are at a crossroads unlike any in our history. We have seen our manufacturing-based economy assaulted by the forces of globalization, the challenges of the energy crisis, and the threat of terrorism. We are at the dawning of a new understanding, the fragileness of our environment. All of these things are, in their own right, seminal concerns of a profound scale, but in spite of the gravity and import of these issues, there is perhaps no more compelling matter before us than that of the war in Iraq.

My colleagues on both sides of the aisle are distressed by the tragic turns that this war has taken. I do not, at this moment, nor do my colleagues, I presume, wish to draw upon the motivations or lack of candor exhibited by our President in letting slip the dogs of war. But I do long for leadership, leadership seasoned and honest enough to admit when a mistake has been made, leadership that has a vision for the future, leadership able to meld the inherent wisdom of man with the realities of modern world.

Under our form of government, it is the President who is singularly endowed with this leadership; yet at this critical historical moment, our call for leadership and inspiration has been unanswered. As a result, Mr. Speaker, I today voice my opposition to the President’s plan to deploy additional troops to Iraq.

The crisis that Iraq has become will not be resolved merely with more, more, more troops, more tours and deployment extensions, more injuries, more deaths. Simply providing more without a blueprint is not enough. Without a clear plan and a clear objective, a troop increase will not help our Iraq policy. In fact, it will only deepen the disaster that Iraq has become.

I do not utter these thoughts lightly. I share these sentiments, knowing that all of the people that I represent will not necessarily agree with me. I fear that my remarks will be misconstrued as reflecting something less than a full commitment to the brave men and women who have served or are serving their country in uniform, or to those heroes who have given their very lives for this cause.

Let there be no mistake. Mr. Speaker, I have at the very heart of my motivation as a representative of these, my appreciation for the sacrifice of our brothers and sisters who have been dispatched to fight this war. They, and their families by extension, have been called into action under trying circumstances and have courageously moved by their sense of courage and dedication to country. In fact, it is my admiration and respect for our brave warriors that motivate my decision to express my dissatisfaction with the President’s plan to subject more of them to the ravages of war.

To date, over 3,000 Americans have fallen in this war. All of them loved...
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their country enough to place themselves in harm’s way in her defense. All of them left behind their families, who will never stop grieving. All of them have been deprived of the pleasures and privileges of a full life, just as we who remain have been deprived of the contributions our society that each would have given.

Fifteen young men from Ohio’s district have died in this war, all of them were loved dearly. They are fathers, sons, brothers, and husbands. Ohio’s 18th is exclusively rural in make-up, dotted by one small town and village after another. Our people are decent, hardworking, and imbued with a strong sense of personal responsibility. Our community is close knit and supportive. The death of each one of these brave soldiers was met with a deep sense of communal grief.

This resolution stresses a message that many believed in. We support our troops, we support their commitment to and sacrifice for our Nation, we support their families and those of the fallen in their silent and eternal ache. We cannot fully understand their pain, but perhaps we can learn from it.

Mr. Speaker, I cannot support a troop surge without real answers as to how it will bring success in Iraq. I cannot support escalation without regard to diplomacy, without regard to the political realities of the region, and without regard to the underlying dynamics of the conflict.

There is an unsaid pledge between a soldier of war and the mechanisms of power. That warrior unquestioningly serves, defends and, if need be, dies. In consideration, he expects his government to only place him in harm’s way when need be, and only through a painstakingly thought-out plan for victory.

Our troops have fulfilled their pledge to our country. It is time that our country fulfill its pledge to our troops. It is time that our country clearly demanded change. I am new to this body, but I know Nevadans wanted me to help institute changes in the direction of this country.

As we debate this resolution, I really have to wonder if we have heard the American people. This resolution brought forth by the majority says two conflicting things: we are opposed to the war in Iraq, but we are for staying the course. These two positions are irreconcilable.

As I watch this debate, I have not seen any proposals for change. What we are doing is the same thing that has been debated in the past. We stand here in this body controlled by a new majority who campaigned on insti-

tuting change, claimed to be the party of change, and has control of the gavel in both Houses of Congress. Instead of offering a path to victory, they are playing politics.

My question is, what does this vote actually accomplish? Does it implement new ideas to win the war in Iraq? Will our country be safer because of this resolution? Does it enable our troops to fight more effectively by giving them the supplies that they need? The answer to these questions is a simple “no.”

As a newly elected Member, I came here to find solutions to our country’s problems. To that end, I am supporting legislation that will make our troops and their needs fully funded. I support diplomacy and making the Iraqi Government more accountable.

The message that I want to send on our troop is, I am with you, and you can count on me.

Because, really, we are counting on them.

Mr. Speaker, why can’t we be for something today, an actual alternative, instead of debating a non-binding resolution that tells our soldiers we don’t support your mission? Our enemies believe America is weak and their propaganda says the United States is losing the war against terrorism.

Osama bin Laden’s deputy and terrorist network have stated that Iraq is the central front in their fight against American and Western ideals. Iraq is the central front to push their radical ideology of hate and intolerance. These are the real bad guys. These are the people we should be focusing our attention on, not tearing down our leaders, commanders and brave soldiers in the field. The reality is the terrorists are determined to kill Americans, wherever we may be. Therefore, we must take the fight to them.

The fact is, this resolution only strengthens our enemies and does nothing to solve or address any of the national security issues facing our country. The stakes are high in Iraq. Nothing less than our very safety and survival is at issue. Nothing less than the lives of the courageous members of our armed services are on the line. It is critical that we have a real debate on the issues and not points.

Let’s, instead, together look for a new way forward, for a path to victory and for the best way to support our brave men and women overseas who are fighting to keep us safe. Let’s instead focus on what we need to win this vital conflict, not a meaningless resolution, which is what we are offered here today.

To paraphrase the late Charlie Norwood, one of our decorated war veterans. “The choice today is clear: either America or al Qaeda.”

Mr. HODES. Mr. Speaker, I come to the floor today to voice support for our troops, without reservation, and to oppose the administration’s proposed escalation in Iraq.

We are at a turning point in American history. This Congress will shortly vote on a bold, clear resolution, repudiating the administration’s failed policy in Iraq, a fiasco which has weakened our security, threatened our military readiness, cost thousands of lives and wasted billions of dollars.

I was elected to Congress from the great State of New Hampshire, promising return of congressional accountability and oversight. For the past 6 years, while Congress was under Republican control, only 12 hearings were held on the Iraq war, but in the past 6 weeks this Congress has held 52 hearings.

The evidence is clear that the American people and Congress were misled into the war in Iraq. No weapons of mass destruction, no links between Saddam Hussein and al Qaeda, no imminent threat to our national security.

Our resources, effort and attention needlessly diverted. The real war in Afghanistan, which I supported, and which continues to require our vigilance and commitment.

This administration has now lost its credibility with the American people, and with the world. In the Middle East, we must regain our moral compass and embrace a new direction in Iraq. The administration’s stubborn arrogance and incompetence has magnified the chaos in Iraq.

Our brave troops have done everything asked of them, but the administration’s failures in planning postconflict reconstruction and its shocking incompetence in management have opened the Pandora’s box of sectarian violence and war.

Escalation has been tried before and it has failed before. The administration claims this escalation is different. The administration says there are benchmarks for the Iraqis, but what I have concluded from our hearings and briefings is that no firm benchmarks for the Iraqis have been set.

Clearly, the administration intends to escalate, whether or not the Iraqis step up. And today it is reported that the administration wants to send our troops in Iraq without up-armored Humvees. This is deja vu all over again, a lack of planning, combined with a lack of candor.

Relaying on a military force alone as a strategy continues the administration’s one-legged-stool approach to foreign policy. Absent an Iraqi Government committed to forging a political solution to the country’s woes and absent the infrastructure for jobs and reconstruction programs, the one-legged stool cannot stand. We have already lost billions in U.S. and Iraqi dollars to fraud, waste and abuse.

Baghdad is a city of some 7 million people. In a city that size, an injection
of 20,000 troops is too little too late. The administration talks of victory in Iraq. The word is meant to stir our patriotic fervor. But in this matter, it has, unfortunately, a sad and hollow ring.

As a result of the administration’s ineptitude, we are left making the best out of a bad situation. We owe it to our troops, the American people, and the Iraqis to act wisely and strategically. The administration talks tough. We must be tough, smart and fearless. That is the only way we can move in the right direction in Iraq.

Our first order should be to address the missing second leg of the stool. Replace the military surge with a diplomatic surge, convene a high-level team of special envoys, send them to the region, and send them there until the job is done.

The third leg of the stool is economic. We need a real economic reconstruction program, but only on strict conditions that the Iraqi Government step up to quell the violence and engage in reconciliation and oil revenue-sharing.

It is past time to remove our troops from the middle of this civil war, re-deploy them strategically in the region to give the right forces and send the troops we need to Afghanistan where they can support the government and deal with the resurgent Taliban. Dealing with Iran is, of course, challenging; but harsh rhetoric and saber-rattling are counterproductive in the complex, destabilized Middle East.

The true test of leadership is facing reality and having the good judgment and wisdom to adapt to the reality. By passing this resolution, we are sending the administration an unambiguous message: No more blank checks. We have had enough. It is time to face the reality in Iraq and develop a responsible and comprehensive strategy to protect American security in the region.

Much has been asked of this country in the past, and the future will inevitably require sacrifice, but it does not require sending 20,000 more American troops to Iraq. It does not require an escalation of this war. I urge my colleagues to support the resolution, and I oppose the administration’s escalation of the war in Iraq.

Mr. SAXTON. Mr. Speaker, I yield 5 minutes to the gentlelady from Cape Girardeau, Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, it literally breaks my heart to be here today. Young Americans from my district have gone to Iraq and we have lost some of our best, brightest soldiers. One of the finest men I ever met, who had the privilege of appointing to West Point, lost his life in Iraq just last September. I feel responsible in part. We all are, in part.

Very little has been asked of most Americans in this war, but too much has been asked of a very few in Iraq.

If anything comes from this debate, Mr. Speaker, I hope it is a consensus for our responsibilities in this conflict.

This House is about different points of view, speech and debate, in an institution that belongs to the people.

Our Nation is protected by the bravest of the brave, who leave their homes and families to stand guard on foreign shores. They are the first in their families to wear the uniform of our country. Others have done so for generations.

These young men and women hold dear connections to every town in America. We are wrapping the fallen in the American flag. They deserve the best planning, the clearest execution, the utmost care in their deployments, and heroes’ welcomes when they return.

But it is not enough to give them parades. It is not enough to give amputees the best VA care. Nor is it enough to bury them well. We cannot allow their service to be undermined.

Congress and the administration have been locked in a struggle to show the proper path from the beginning of this war. Personnel armor, communications equipment, vehicle kits, the things these Americans need, not for comfort but to preserve their lives amid danger, have in some cases been supplied by soldiers’ families because the Department of Defense, which received $500 billion last year, has run out. Supply-chain issues abound. Training has been incomplete or insufficient for the new demands on our troops. I still cannot discern a clear articulation of the mission or the plan for our troops.

Mr. Speaker, I cannot lend my support to this resolution. It sets too poor a standard in this Congress. Our standards for action must be high. Words cannot replace deeds in support of our American troops.

Mr. ENGEL. Mr. Speaker, I can’t tell you how much pleasure it gives me to introduce our next speaker, who represents a district adjacent to mine. I am so delighted to have him in Congress, and I know his constituents are as well.

I yield 5 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I stand with the other members of my freshman class to support this important resolution. My election and those of my fellow freshman colleagues were an unmistakable signal from the American people. They believe the President’s path in Iraq is wrong and they want new voices to produce change.

Mr. Speaker, I am one of those voices, and today I rise to speak with the American people to oppose the President’s escalation.

The United States requires a new path in Iraq, a path that will deploy our troops out of Iraq; a path that will force the Iraqi Government to plan for its own defense; a path that will engage countries throughout the region and around the world to help stabilize and protect Iraq; and a path that will allow the United States military to rebuild and refocus on the important mission of destroying al Qaeda and defending America from the threat of international terrorism.

Sadly, the escalation proposed by the President does none of these things. The President’s plan continues down the same path we have traveled for the last 4 years. These years have taught us that U.S. military power alone is not sufficient to stabilize Iraq, yet it is the only tool this President employs.

Yet, this administration has been wrong. The administration led us into a war with flawed intelligence. That is one wrong. The administration
went to war without a plan to win the peace. Two wrongs. This administration chose to protect Iraqi oil fields before securing the ammunition dumps throughout the country. Three wrongs. This administration sent our troops into harm's way without enough body armor or armored vehicles. Four wrongs. This administration gave no-bid contracts to its friends and political allies. That is five wrongs.

Now, this administration wants us to blindly place our faith and the lives of 20,000 more of our troops in an Iraqi Government that cannot secure the ammunition dumps of our own. That is one wrong. We went to war without a plan to win the war. That is two wrongs. We did not properly train the Iraqi Government. That is three wrongs. The President must now admit this administration is in fact continuing the war in Iraq. That is four wrongs. We have spent $1 trillion and lost over 500 American lives. That is five wrongs. We must declare an end to this war. That is six wrongs.

This resolution is an important first step that voices loud and clear the message America sent last November, and it puts the President on notice that the Congress will no longer stand by and allow him to recklessly endanger American lives and security. If the President refuses to change course, this Congress will be forced to act.

I rise in opposition to H. Con. Res. 63, and I would like to make a quote: “Congressmen who willfully take actions during wartime that damage morale and undermine the military are saboteurs and should be arrested, exiled or hanged.” Abraham Lincoln, who had with a very unpopular war. The same problem with people trying to redirect the Congress in Chief; the same problem, if they had been successful, we would not have had the freedom of the people in this country.

I suggest to you this resolution will undermine and cause a morale disruption to our troops. Nowhere can you be in the field and understand the Congress of the United States now is not going to support them when they say the time of war the administration would cut funding for research on prosthetic technologies that will let our wounded veterans lead more normal lives.

In the words of the sheriff of Putnam County, a retired brigadier general, one must never allow the military to do a job which is not militarily achievable. I support this resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. Young).

Mr. CARNEY. Mr. Speaker, I stand today as a proud veteran in support of this bipartisan resolution which states that the President is wrong, and no amount of political allies will turn the tide of this war. The President must now admit this administration has no plan to win the war or peace in Iraq.

I urge a very, very strong “no” on H. Con. Res. 63.

Mr. Speaker, 21,000 troop is far less than a half measure of what is truly needed to secure Iraq, but the unfortunate reality is that we no longer have the resources available to do the job properly. Indeed, the Army’s strategic reserve is used up. They told us so. We are now less able to respond in other parts of the world. Sending more troops will not reduce the violence. Indeed, in the past 2 years, we have had three surges to Iraq, only to see dramatic increases in violence. Why would we think a fourth surge will be different?

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Our enemies are encouraged and emboldened by the successes that they have enjoyed already. We do not need to send 21,000 troops additional to reinforce this. Instead, we should be changing our focus. Rather than sending more American troops into combat, we should be allowing the Iraqis to stabilize the job for themselves. For every Iraqi battalion we train, we need to bring an American battalion home.

My district in northeastern and central Pennsylvania has many of its bravest men and women in harm’s way. I am very proud of them, so are their families and their communities. Our district, sadly, has lost 22 men in this war, brave troops who paid the ultimate sacrifice for their country. I rise today to honor them and also to stand up for the troops currently in combat.

The stories I hear from soldiers who return home leave me concerned that the administration has not done enough to protect them. One of my former students, a member of a Pennsylvania National Guard unit, told me how his unit had to scrounge through Iraqi junkyards for scrap metal to weld on to their trucks for more protection. Junkyards? Scrap metal? Where is the concern this administration has not given the troops the protection that they need? Where is the outrage that our fine men and women, whose job it is to protect our Nation, are scrounging through foreign junkyards for that protection?

The troops have won the war, but the administration has failed to secure the peace. We must now pursue policies worthy of our troops and their sacrifices.

Mr. Speaker, I came to Congress to serve and protect my country. That is why I rise in support of this resolution.

In the Navy, when we run a ship aground, we change the course. It is now time to change the course in Iraq, not needlessly send more American troops in harm’s way.

Mr. SAXTON. Mr. Speaker, I yield 5 minutes to the gentleman from Mobile, Alabama (Mr. BONNER).

Mr. BONNER. Mr. Speaker, as my colleagues and certainly the people from my home in south Alabama know, I do not often come to this floor, either to hear my own voice or to offer some prophetic words of wisdom on whatever the topic of the day happens to be. My right may count on you to learn a lot more from listening than you do from talking. So in many ways, that is what I have been doing the past few days, listening to my colleagues and thinking about the consequences of the words that I am hearing.

After a lot of listening to a lot of words, however, I find myself compelled to come and say in the most direct way I know that I am opposed to this nonbinding resolution. Let me say that again for that is, after all, what we are talking about. This is a nonbinding resolution. It is nothing more than a few words on a piece of paper, and yet they are powerful words that have the potential of being demoralizing and possibly even destructive.

Make no mistake that the resolution we are debating today does not have the force of law behind it. So for those of you who are watching at home, let us be clear. At a time when the President is telling the American people that the situation in Iraq is unacceptable and it is clear that we need to change our strategy, this resolution will not stop the deployment of a single soldier or marine to Iraq, nor will it bring a single soldier or marine home to their families or loved ones.

More importantly, this resolution does not offer any alternative strategy. Nothing. Zip. It is silent with regard to our country’s ongoing efforts in fighting the global war on terror. Instead, it is simply and unfortunately a method by which the House Democratic majority is seeking to send a message to the President of the United States.

But let us not kid ourselves. The words that we are debating this week will travel much farther than the distance between this building, the Capitol, and where the President lives, the White House. In reality, these words will travel far beyond our shores, across the globe to the 160,000 men and women who are currently deployed in Iraq and engaged in but one part, admittedly an important part, of the global war on terror and the Islamic militant extremists we are fighting.

I know we have heard Democrat after Democrat ask Republicans, to be fair, come to this floor and say, we support our troops and we support this resolution; but with all due respect, I find it totally inconsistent to say you support our troops and at the same time you support this resolution.

How can we really expect our soldiers to have the will to succeed when this body as a whole does not have the resolve to stand by them and their mission? Do we think our troops do not listen to what is being said here in Washington and around the country? During my visits to Iraq, I found just the opposite to be the case.

So while the underlying message of this resolution is intended for the President, it is only logical to ask who else might be listening. What about the families of these soldiers who are anxiously awaiting their safe return home. Make no mistake, they will hear this message loud and clear.

And then there is the very real chance that the families of the thousands of Alabama National Guard members who have been deployed to Iraq and Afghanistan, as well as the families of all active and Reserve forces, will read the glaring subtext of this resolution a few lines below the people’s House signaling that we will not be able to prevail in Iraq, the cause is lost, and their loved one’s sacrifice is for naught.

Unfortunately, the words of this resolution will also travel to the ears of our enemies. And what could be better news for our enemies than that America is divided, an America that does not have the will to succeed.

On this topic, let’s talk to the man who knows the enemy in Iraq better than anyone, General Petraeus. You remember General Petraeus; he just received an overwhelming vote of confidence when he was unanimously confirmed by the United States Senate to command our forces in Iraq. At his confirmation hearing, General Petraeus was asked of this nonbinding resolution disapproving the deployment of additional troops would encourage the enemy. His response was direct and unequivocal. “That is correct, sir.”

Let me say that again. General Petraeus, our commander in the ground on Iraq, believes that a resolution disapproving the deployment of additional troops, which is what we are debating today, will encourage our enemies.

He went on to say that this is a test of wills, and at the end of the day a commander in such an endeavor would obviously like the enemy to feel that there is no hope. But instead of saying there is no hope to the enemy, we are saying there is no hope to the American soldier and the American people.

Let’s not forget that our words as well as our actions do have consequences. Vote “no” on this resolution.

Mr. REYES. Mr. Speaker, it is now my privilege to yield 5 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I stand here today in support of House Concurrent Resolution 63 which opposes the President’s decision to deploy 21,000 additional U.S. combat troops to Iraq.

I am also here to specifically honor the Broward County Veterans Council, who recently adopted a resolution concerning the war in Iraq. The Broward County Veterans Council represents a host of veterans groups throughout Broward County, Florida, including the Broward chapters of the American Legion, AMVETS, Disabled American Veterans, Fleet Reserve, Gold Star Mothers, Italian American Veterans, Jewish War Veterans, Marine Corps League, Navy League Council, The Order of the Purple Heart, The Paralyzed Veterans of America, Retired Officers Association, Retired Officers Association, Veterans of Foreign Wars, Vietnam Veterans of America, and World War II Barracks.

The Broward County Veterans Council led by its Chairman, Bill Kling, adopted this resolution unanimously on January 16, 2007. And the spirit of this resolution is as follows:

Whereas, the President of the United States has put forth a plan to the American people and to Congress which calls for an escalation of 21,000 or more of our troops going to Iraq to combat the insurrection in Baghdad and the Anbar province; and
Whereas, the majority in Congress has put forth several plans that do not include an escalation of combat troops; and

Whereas, the American people have made it clear they want a new direction in Iraq and Afghanistan; and

Whereas, the administration’s attempts to escalate the war previously by sending additional troops to Iraq have unfortunately failed to stop the bloodshed between the Sunnis and the Shiites.

Therefore, the Broward County Veterans Council believes that the best plan is to bring troops home in a phased redeployment so that we may get them out of harm’s way.

Veterans groups, along with families across my district, are very concerned about the direction this war has taken and are demanding a change in strategy.

To President Bush their message is loud and clear: this war has been mismanaged, the strategies for success have failed; our national and personal security interests, most importantly, are not being enhanced and in fact may be undermined. And, therefore, they overwhelmingly oppose President Bush’s plan to send more troops to Iraq.

Traveling through my district, people in South Florida are demanding that Congress ask the tough questions concerning our policy in Iraq. Well, we have asked these tough questions, and I along with many of my fellow Members of this House, both Democrats and Republicans, have come to the same conclusion: The President’s plan to increase troops is wrong.

The administration has based this plan in part on the readiness of the Iraqi Security Forces to stand up and take control. I have heard nothing from our military experts that would indicate that the Iraqi troops are anywhere near prepared to bring order to this troubled country.

General Colin Powell recently told the Associated Press: “I am not persuaded that another surge of troops in Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.”

And four-star General Barry McCaffrey called the President’s surge plan last month “a fools errand.”

These are the experts we should be listening to.

Mr. Speaker, I ask you—as a civil war in Iraq spirals out of control, as Iraqi security forces continue to be ill-prepared to do as we continue to alienate our allies across the world—What warrants this administration to continue on the same path in Iraq and add more troops?

So far, nothing.

We have no business sending over 21,000 additional troops into the middle of a growing civil war.

We have no business sending over 21,000 additional troops to Iraq when as it is, our military is already stretched too thin.

And because our military is already dangerously pushed to the limit, we have put ourselves in a precarious position dealing with real threats like Iran, while at the same time protecting our allies like Israel and some other Middle Eastern friends.

For these reasons, I am advocating for a plan, devised by our military experts a phased withdrawal of our troops. But while our brave men and women in uniform are serving, it is critical that we provide them nothing less than the best protection and support. We have more than a responsibility to support our troops; we have a solemn obligation, and that obligation extends to asking the tough questions and getting our policy right.

In honor of the Broward County Veterans Council and the veterans living in Palm Beach County, in recognition of their heroism and commitment to our country, I support this resolution.

Mr. Speaker, I stand here today in support of H.R. 63, which opposes the President’s decision to deploy 21,000 additional U.S. combat troops to Iraq.

I am also here today to specifically honor the Broward County Veterans Council, who recently adopted a resolution concerning the war in Iraq.

The Broward County Veterans Council represents a host of veteran groups throughout Broward County, FL, including the Broward chapters of the American Legion, Am Vets, the Disabled American Veterans, the Fleet Reserve, the Gold Star Mothers, the Italian American Veterans, the Jewish War Veterans, the Marine Corps League, the Navy League Council, the Order of the Purple Heart, the Paralyzed Veterans Association, the Reserve Officers Association, the Retired Officers Association, the Veterans of Foreign Wars, the Vietnam Veterans of America, and the World War I Barracks.

The Broward County Veterans Council, led by its chairman, Bill Kling, adopted this resolution unanimously on January 16, 2007.

The spirit of their resolution is as follows:

Whereas the President of the United States has put forth a plan to the American people and to Congress which calls for an escalation of 20,000 or more of our troops going out to Iraq to combat the insurgency in Baghdad and the Anbar province; and

Whereas, the majority in Congress has put forth several plans that do not include escalation of combat troops; and

Whereas, the American people have made it clear they want a new direction in Iraq and Afghanistan; and

Whereas, the administration’s multiple attempts to escalate the war by sending additional troops to Iraq have unfortunately, failed to stop the bloodshed between the Sunnis and the Shiites.

Therefore, the Broward County Veterans Council believes that the best plan is to bring our troops home, in a phased redeployment, so that we may get them out of harm’s way.

Veterans groups, along with families across my district, are very concerned about the direction this war has taken and are demanding a change in strategy.

To President Bush, their message is loud and clear: this war has been mismanaged, and the strategies for success have failed; our national and personal security interests are not being enhanced and in fact, may be undermined. Therefore, they overwhelmingly oppose President Bush’s plan to send more troops to Iraq.

Traveling through my district, people in south Florida are demanding that Congress ask the tough questions concerning our policy in Iraq.

Therefore, we have asked those tough questions and I, along with many of my fellow Members of Congress, both Democrats and Republicans, have come to the same conclusion: The President’s plan to increase troops in Iraq is wrong.

The administration has based this plan in part on the readiness of the Iraq security forces to stand up and take control. I have heard nothing from our military experts that would indicate that the Iraqi troops are anywhere near prepared to bring order to this troubled country.

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So far, nothing.

We have no business sending over 21,000 additional troops to Iraq when as it is, our military is already stretched too thin.

And because our military is already dangerously pushed to the limit, we have put ourselves in a precarious position dealing with real threats like Iran, while at the same time, protecting our allies like Israel and other Middle East countries.

For these reasons, I am advocating for a plan, devised by our military experts, that supports a phased withdrawal of our troops.

But while our brave men and women in uniform are serving, it is critical that we provide them nothing less than the best protection and support. We have more than a responsibility to support our troops—we have a solemn obligation. And that obligation extends to asking the tough questions and getting our policy right.

In honor of the Broward County Veterans Council and the veterans living in Palm Beach County, in recognition of their heroism and commitment to our country, I support this resolution.
in Chief, that is why we have military leaders on the ground. They are in charge of conducting the war. And they have said we have made a mistake and we need a new direction, we need a new plan. And they have proposed that plan, it is broad and it is comprehensive. It involves political considerations, it involves economic situations, diplomatic considerations, and, yes, it entails additional troops to go to Iraq. Yes, additional troops.

But if you can be skeptical and you can say it may be too little, it may be too late. Maybe it is a good plan but it won't be executed properly. But it is going to give us hope and it is going to give the Iraqi people hope. And, if anything, we ought to be here today trying to make that plan better, not debating a resolution that is nonbinding, that is symbolic, that means nothing, that says nothing, that fact, it is a useless purpose whatsoever, unless maybe it is to undermine the President or perhaps to demoralize our troops by saying to them, “We have a new mission for you to undertake. Go to Iraq and do this mission. By the way, the United States Congress doesn’t believe in the mission, and we think it is doomed to failure.” You tell me that is not going to have a negative impact on our American soldiers.

Now, I know there are people in this Chamber that think the plan is doomed from the very beginning. You don’t think it will work. And if that is your belief, you ought to do more than introduce a symbolic resolution and then stand here and pound the podium and hem and haw and make speeches and leap in front of the television cameras. You ought to do something that really means something. You ought to propose a resolution that says we believe it was doomed from the very beginning and we are going to do everything we possibly can to stop this plan. That is what you should do.

And if you don’t think the plan is going to work, if you think it is doomed to failure, and you don’t have a viable alternative strategy and you don’t want to find a viable alternative strategy for winning, then you ought to go even further and you ought to stand up and say, “We admit defeat. It didn’t work. We are not going to fund the war altogether anymore. We are going to withdraw.”

I will tell you one thing, the plan is there. It may not be perfect and, quite frankly, it may not work. I have got reservations myself. But it is there, and every American, Democrats and Republicans alike, ought to hope that this works. Because if it doesn’t, we will be our last best chance to prevent a catastrophic failure in Iraq. And if that happens, the disastrous effect won’t just be felt in Iraq, won’t just be felt by the people of the Middle East, but quite possibly will be felt by all Americans alike.

Mr. REYES. Mr. Speaker, it is now my pleasure to yield 5 minutes to a valued member of the Armed Services Committee, the gentleman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas, Mr. Speaker, I rise today to discuss the most critical issue this Congress, indeed our Nation, is facing. That is the best fighting force in the world, and it is vitally important that we keep it that way. I am concerned that the President’s planned escalation is too little, too late, and it will further deplete our military’s readiness.

My life changed in the late spring of 2002 when my husband Steve casually said he thought we would be at war with Iraq by Christmas. And I said certainly that wouldn’t be the case; the terrorists were from Afghanistan and Saudi Arabia. Certainly we will continue to hunt down Osama bin Laden and bring him to justice. We wouldn’t take resources away from fighting the terrorists in Afghanistan. But that isn’t what happened.

That same time I heard that we were going to be greeted as liberators in Iraq, I cringed. We were going into the most unstable part of the world, a region that has been at war for centuries, and we were going in with dangerous moves. We were going now after a hornet’s nest with a baseball bat.

As the mother of two and stepmother of five, I felt my family’s very safety was being threatened by this diversion of resources toward war who senses, no, who knows that her cubs are being threatened, I could not remain silent.

Diverting resources from Afghanistan and invading Iraq may be one of the most dangerous decisions this country has ever made. Our Nation’s civilian leadership took their eye off the ball. Instead of securing more resources to hunt down Osama bin Laden, instead of engaging in diplomacy, they put resources into what has become a civil war and have depleted our Nation’s strategic readiness. Please, please understand me. Our military has not failed. What has failed is our civilian leadership. Our military and their families have repeatedly stepped up and done what our Nation has asked of them. And now, Mr. Speaker, President Bush proposes to send more than 20,000 more troops to this civil war. He asks us to trust him with our soldiers’ lives, even after trust has been broken time and time again.

Not only is the goal of this escalation unclear, but its effect would be to redirect precious military resources instead of preparing for potential future conflicts. In a recent hearing of the House Armed Services Committee, I asked General Peter Pace whether he was satisfied with the readiness levels of our troops. His response? “No, ma’am.” General Peter Schoomaker and General Steven Blum have echoed his concerns.

America lives in an unstable world; we face threats from a nuclear-armed North Korea, from a belligerent Iran, and from the al Qaeda terrorists who considered September 11 as only the first act in their sinister play. In these dangerous times we are not safer if we devote so many of our resources to a civil war in Iraq. And if I as a mother, I cannot support it. It is withdrawing precious resources from a fighting force that is already stretched too thin.

America’s strategic readiness is not a political question; it is a question of national security. I want to ask the critical question about the safety of all our families.

The U.S. military is the best fighting force in the world, and it is vitally important that we keep it that way. Mr. Speaker, as a mother, stepmother, wife, citizen, and, yes, as a U.S. Congresswoman, I cannot support further escalation of the war in Iraq.

Mr. SAXTON. Mr. Speaker, I just wanted to note that one of the previous speakers talked about veterans who support this resolution. As a matter of fact, yesterday I was able to announce that the national commander of the VFW said that he opposed this resolution or had grave concerns about it, and I have just been notified that the national commander of the American Legion, Paul A. Moran, announced strong support for the President’s new initiative, which includes deploying 21,500 troops. And, in so doing, he said these words:

We will not separate the war from the war. Debating the new strategy is an American way, but let this be a warning that precipitous action by the Congress could lower troop morale and hinder the mission.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from Bloomfield Township, Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding.

Mr. Speaker, I want to make a statement that mistakes have been made in Iraq. The status quo is not acceptable. We need to chart a new course. But we also need to acknowledge that some positive things have happened in Iraq, thanks to the courage and dedication of our troops. These accomplishments often get just lost in all the politics that surround this debate.

Topping one of the most brutal dictators in history was a good thing: Saddam Hussein’s regime was responsible for the senseless murder of thousands of innocent Iraqi citizens. Under his rule, most Iraqis lived in fear of the day Hussein or one of his cronies would come for their mother, their father, their sister or brother. Hussein was also a direct threat to our friend and ally, Israel. He was a menace, and it is good that he is gone. Furthermore, turning over the Iraqis and providing assistance as they forged a democratic government is a big deal. Fostering democracy in the
heart of the Middle East was important and was also a very historic moment.

As we debate the current strategy in Iraq, let us not forget that our soldiers have provided a tremendous opportunity to the Iraqi people. They have provided an opportunity for them to grab the benefits of freedom. Now it is up to the Iraqis to seize it.

Before us today, we have a nonbinding resolution that doesn’t even mention the accomplishments I just spoke of. We can all agree that the war has taken a wrong turn, but instead of debating nonbinding resolutions that have no bearing on whether additional troops go to Iraq, we should work together to find a solution that results in our soldiers coming home in victory, not defeat.

Mr. Speaker, I have offered my conditional support for the President’s plan for additional troops in Iraq. My support is contingent upon the Iraqi government providing a level of security for our troops so that they can begin to bring our troops home quickly and in victory. It is just the first step toward ending this nightmare.

Let us put our troops first. Let’s end the political gamesmanship, and let’s work together to find a solution in the political gamesmanship, and let’s work together to find a solution in the political gamesmanship, and let’s work together to find a solution that results in the political gamesmanship, and let’s work together to find a solution that results in our soldiers coming home in victory, not defeat.

Mr. REYES. Mr. Speaker, it is my privilege now to yield 5 minutes to the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I rise to speak in support of this resolution. The Iraq war has lasted longer than U.S. involvement in World War II and has cost the Nation hundreds of billions of dollars. We have lost over 3,000 of our finest men and women. Thousands more have been maimed and too many lives have been shattered.

As Foreign Affairs Committee Chairman TOM LANTOS said, this “resolution will establish the first marker,” the first step toward ending this nightmare.

The war in Iraq is the moral issue of the day, and like all great moral issues, there are heartfelt disagreements on both sides of the aisle. But every second, minute, and hour that passes, lives are being lost in Iraq and devastation continues with no end in sight.

We owe it to all the brave men and women who have already sacrificed so much, over 3,000 of them who have made the ultimate sacrifice, to steer our country on a course that will bring our troops home safely, take care of them and their families when they return and end this war.

Despite the rhetoric, most of our government and the American people, according to Foreign Policy Magazine’s recent survey of over 100 top national security experts, 86 percent say the world is more dangerous for the U.S., and, most troubling, 87 percent believe that the war in Iraq has had a negative impact on the war on terror. Other surveys have reached similar conclusions.

Yet the President now wants another $235 billion for Iraq and Afghanistan to add to the $427 billion for the war already approved. In this debate, we should listen in particular to the words of Americans who actually served in the war. I am honored to serve in this Congress with new Members JOE SESTAK of Pennsylvania, TIM WALZ of Minnesota, and PATRICK MURPHY, also of Pennsylvania, who served in the Iraq war. Their eloquent and strong voices of firsthand experience add immeasurably to this debate.

There are also people like Captain Lisa Blackman, a clinical psychologist who caring for our troops. As we become increasingly aware of the thousands of soldiers to emerge from firefights or attacks physically unscathed but with substantial emotional damage, Captain Blackman’s experience in regularly tending to these soldiers provides further troubling insights into this devastating war.

In a message chronicled in the book Operation Homecoming, Dr. Blackburn wrote of how her patients responded to questions she asked them about their symptoms. She didn’t get the expected reactions. They were unexpressive. But when she asked them, “Have you ever been in combat?” they became unglued and burst into tears.

As she described it, “[W]hen I say burst, I mean splatter, tears running... sobbing for minutes on end, unable to speak, flat-out grief...” She observed, “No one ever feels like they are doing enough. If you are in a safe location, you feel guilty that your friends are getting shot at and you aren’t. If you are getting shot at, you feel guilty if your buddy gets hit and you don’t. If you get shot at but don’t die, you feel guilty that you lived, and more guilty if you were shot at and your friends have to stay behind. I have not seen one person out here who didn’t check off... increased guilt on our intake form.”

Indeed, every soldier who saw combat or the results of combat has likely suffered hidden but disturbing psychological harm to some extent. In spite of this, the Veterans Administration has been deprived of the critical funds necessary for the rehabilitation of these brave troops. The President, who continues to move troops into the war on the one hand, has sought to reduce spending for medical services for these same troops on the other. His budget reduces spending for VA over the next 3 years.

Our troops are not the only ones suffering from the policies of this administration. All Americans who now oppose the war 2-1 are impacted by the extreme cuts in or complete elimination of important social, health, education and environmental programs.

The cost of this war keeps going up, adding to our national debt. The interest on our debt alone is more than our combined health care of our veterans, and for the administration of justice combined. This body must go on record in united and solid opposition to the escalation of the war and in complete support of our soldiers and veterans. We must be resolve in our efforts to bring an end to this quagmire.

As Speaker PELOSI said, “Friday’s vote will signal whether the House has heard the American people. No more blank checks for President Bush on Iraq.”

Mr. SAXTON. Mr. Speaker, I yield 5 minutes at this time to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA asked and was given permission to revise and extend his remarks.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, like many Americans I am frustrated and dissatisfied with the situation in Iraq. I did not take my vote lightly when Congress authorized the President to use force. Every day I think about the patriotism and sacrifice of our brave men and women who are serving courageously in harm’s way.

Mistakes and the complexity of events along the way have led us to the place we are today. Sectarian violence has increased, and Iraq is mired in a civil war, making it difficult for the new government to take hold.

In our role in this conflict has become a divisive issue, there is no denying the significant consequences Iraq’s future will have for national and international security and stability.

So I must ask, how do we move forward in a way that honors the commitment and tremendous sacrifices our Nation and its troops have made? We can do so neither by cutting off funding for the troops nor by providing the President with a blank check.

In the spirit of politicalMEET the TEAM 004

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within Iraq, the United States should try to engage them constructively.

By doing so, it would help marginalize extremists and terrorists, promote U.S. values and interests, and improve America’s global image. States may also find it in their own self-interest to improve national reconciliation efforts between Iraq, Sunni and Shia. Such reinforcement would contribute substantially to legitimizing the political process in Iraq.

Iraq may not be able to come together unless they receive the necessary signals and support from abroad. This backing will not materialize of its own accord, and it must be encouraged urgently by the United States. We should make it clear to the Iraqi leadership that the additional troops are solely for the purpose of achieving stability, and that this deployment is a precursor to our leading the future of this Nation to the Iraqi people. I firmly emphasize this is the important process.

Troop increases alone will not solve the fundamental cause of violence in Iraq if its government is not committed to a national reconciliation process.

However, as we lead a surge in diplomacy, and the Iraqi Government accelerates its efforts at national reconciliation, the Iraq Study Group report makes clear, and I quote, “The United States should significantly increase the number of U.S. military personnel, including combat troops, embedded in and supporting Iraqi Army units. As these actions proceed, we could begin to move combat forces out of Iraq.”

Denying additional troops, as requested by our military leadership, could put our troops that are there at greater risk and delay their return to their loved ones. I hear from my constituents who want our troops home immediately and from those who want us to remain so we don’t have to fight the terrorists on our own soil.

What I do know is that the challenges in Iraq are complex, and the consequences of immediate withdrawal would be devastating. The Iraq Study Group report goes on to say “The global standing of the United States could be diminished.” Our Nation has sacrificed far too much to allow our credibility and values to be weakened.

I cannot, in good faith, support this nonbinding resolution. We also support the troops, and we all want to bring the troops home as quickly as possible.

Let us instead urge the President to increase diplomatic efforts and to follow the recommendations made by the bipartisan Iraq Study Group, to work on many fronts to solve the challenges in Iraq.

Mr. REYES. Mr. Speaker, as an Army veteran myself, I know that the backbone of our Army is its noncommissioned officers. Now it is my privilege to yield 5 minutes to a former noncommissioned officer who retired after over 2 decades of service in the Army, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Thank you to my colleague Mr. Speaker, no debate in this House is longer overdue. This debate has been going on for nearly 4 years in houses, in America, is alive and well, in houses of worship all across America.

No greater responsibility rests with us, the people’s Representatives, than debating the decisions involved in waging a war. The decision to send our brave soldiers into this Nation that is not the end of our responsibility, it is the beginning. This body has a sacred duty to protect this Nation, our citizens, and especially those we send into combat in our name.

Constant vigilance, questioning, and adjustments to courses of action are our number one priority, and this newly elected Congress intends to do just that.

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Some have said that this debate sends a message to our enemies. I would agree. The message our enemies are hearing this week is that democracy in America is well. The message that our enemy is hearing this week is that this Nation will not live in fear of its own shadow and blindly give away those precious liberties that make this the greatest Nation the world has ever known.

The message our enemy is hearing this week is that this Nation is able and willing to adjust our tactics to focus on the true threats to our security, which come from al Qaeda, and the Taliban in Afghanistan, and by securing our ports and borders.

The message they are hearing is that this Nation is no longer willing to wage a war based on political ideology and failed policy. We will wage it on facts and reality. Many of my colleagues have spoken of the need to support our troops. You will get no debate from me nor any other American. By implying that some do not support the troops based on nothing more than political posturing is cynical and divisive.

For more than two decades, I served with soldiers, airmen, marines, and not once did I ever see these brave men and women as anything other than patriotic. I never saw them as a Democrat, a Republican, an Independent or a Libertarian, nor did they see me as anything but a fellow soldier.

The issue that we are debating this week is the execution of this war and the failure of this administration to provide a realistic plan for success. From the start of this war up to its recent plan to send more Americans into Baghdad, this administration has miscalculated, poorly planned, shifted blame and failed to couple our military policies with diplomatic, economic and long-range strategic planning that would have given the soldiers a chance to succeed.

Had the previous Congress done its constitutional duty of oversight and accountability, there is a strong likelihood we would be in much better shape today. Even as foreign policy experts, military experts, the Congress and the American public show an overwhelming desire to change course and oppose this escalation, this administration persists and is simply asking for more evidence and stumbles on. This debate marks the new beginning of this Congress’s acceptance of our duty to provide the oversight and bring about policy changes based in reality and facts and long-range security needs of this Nation.

I have taken two oaths in my life. The first one was as a young man of 17 when I swore my allegiance to the Armed Forces of this country. The second was a month ago when I became a United States Congressman. In both cases I solemnly swore my allegiance to protect and defend the U.S. Constitution.

I swore alliance to no man. I swore no alliance to a political ideology. I resolved only to uphold the laws of this great land and protect with my life, if necessary, the liberties and freedoms we so dearly cherish. This debate today is exactly about that oath.

Previous Congresses gave this President the authority to conduct this war in Iraq, which is right, but not the authority to disregard the expert advice, not the authority to take civil liberties from American citizens, and not the authority to disregard our constitutional right in this body as a coequal branch of government.

I, like all Americans, wish nothing more than this President had made good decisions and that the situation in Iraq were better. Unfortunately, wishful thinking does not make good foreign policy. But, fortunately, the genius of the Founders of this Nation are on display right now. This Congress, by taking this first step of oversight and accountability, and passing this resolution that begins today, we can show the world that this country will not sacrifice its security to keep the enemy out of power, or the people out of the government.

A few short months ago, I was teaching high school. Call me optimistic and naive, but I do not see where casting a vote in this sacred room is anything but binding. Call me naive again when I hear this is nothing but words on paper. How does that differ from the U.S. Constitution?

Yesterday, I had the opportunity to visit with two soldiers from my old unit, the proud 34th Red Bull Division. Those two young men are out at Walter Reed Army Hospital. Both John and Tony are being fitted with their prosthetic limbs for the other ones they left behind in Iraq.

We spoke of everything from how they were injured, to football, to how to get ready to ski again. I do not know and I do not care about their political affiliation. I only care that this Nation honors its commitment by providing everything possible to these brave Americans. Today is the day that...
I believe they are selling this institution short. We are displaying for the world what a government of the people, by the people and for the people truly looks like. What we are doing here this week speaks far more clearly and loudly than our bullets or our buckles and our dollars. Whether the United States Government so clearly and dramatically reflects the will of its citizens, we may not shock the world, but we will make it watch in awe.

James Madison wrote that the role of Congress is to express and refine the public view. He accurately perceived that on most issues Americans assume that their representatives will consider their opinions and work out the details. In the present situation, I believe the American people are shouting at us that it is time to get our men and women out of harm's way in Iraq.

I will cast my vote not simply to oppose the President's escalation, but as a statement that this Congress will no longer abdicate its responsibility to expand and refine the public view.

Mr. Speaker, today I am as confident about my position as I was 4 years ago. I am confident because I have listened to those who oppose this resolution. I have been dismayed by the classified and faulty intelligence provided to Members of Congress.

I concluded and wrote that the claims made to justify the American invasion of Iraq were baseless, that there were no weapons of mass destruction, that the immediate threat to the United States, that Saddam Hussein was not in any way connected to the 9/11 attacks, and finally that Iraq was not a safe harbor for al Qaeda.

I also concluded and wrote that we were rushing into Iraq with no idea of what we would do after the Iraqi regime fell, and also that we had no plan for getting out. The point of all of this reminding is not to show that I was smart, nor is it to say that I told you so.

Four years later, as our men and women are still dying in Iraq, the American people know everything there is to know about the situation there. We know as much if not more than the President of the United States. And our ideas about the conflict are just as valid.

That is why this resolution is so important and this debate so significant. I have concluded and written that Iraq may be only a nonbinding resolution, but it is a resounding and unequivocal expression of the National will. This is not simply a group of Congressmen and women explaining their votes. It is the echo of an overwhelming majority of Americans who are demanding a new direction in Iraq.

It is the sound of scores of people like me who were sent here by citizens to turn the ship of state around. During this momentous debate, we have heard from some on the other side of the aisle that this resolution and the discussion we are having somehow undermine our national interest.

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It is the sound of scores of people like me who were sent here by citizens to turn the ship of state around. During this momentous debate, we have heard from some on the other side of the aisle that this resolution and the discussion we are having somehow undermine our national interest.

I believe they are selling this institution short. We are displaying for the world what a government of the people, by the people and for the people truly looks like. What we are doing here this week speaks far more clearly and loudly than our bullets or our buckles and our dollars. Whether the United States Government so clearly and dramatically reflects the will of its citizens, we may not shock the world, but we will make it watch in awe.

James Madison wrote that the role of Congress is to express and refine the public view. He accurately perceived that on most issues Americans assume that their representatives will consider their opinions and work out the details. In the present situation, I believe the American people are shouting at us that it is time to get our men and women out of harm's way in Iraq.

I will cast my vote not simply to oppose the President’s escalation, but as a statement that this Congress will no longer abdicate its responsibility to expand and refine the public view.

Mr. Speaker, today I am as confident about my position as I was 4 years ago. I am confident because I have listened to those who oppose this resolution. I have been dismayed by the classified and faulty intelligence provided to Members of Congress.

I concluded and wrote that the claims made to justify the American invasion of Iraq were baseless, that there were no weapons of mass destruction, that the immediate threat to the United States, that Saddam Hussein was not in any way connected to the 9/11 attacks, and finally that Iraq was not a safe harbor for al Qaeda.

I also concluded and wrote that we were rushing into Iraq with no idea of what we would do after the Iraqi regime fell, and also that we had no plan for getting out. The point of all of this reminding is not to show that I was smart, nor is it to say that I told you so.

Four years later, as our men and women are still dying in Iraq, the American people know everything there is to know about the situation there. We know as much if not more than the President of the United States. And our ideas about the conflict are just as valid.

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multiethnic Iraqi democracy, while laudable, simply cannot be accomplished by non-Iraqis.

The fact is, Iraq has never been a unified country with enough common interest to foster the give and take of democracy. During the First World War, Britain seized the Mesopotamian region from the collapsing Ottoman Empire. Iraq was created out of three separate provinces to keep the Turks out while allowing the British access to the local oil.

Captain Arnold Wilson, the British civil commissioner in Baghdad, argued that the creation of the new state was a recipe for disaster. He warned that the deep differences among the three main communities, the Sunnis, the Shiites and the Kurds, ensured the new country could only be run by what he called the antithesis of democratic government.

After a rebellion in 1920, which resulted in the deaths of some 2,000 British soldiers and 8,000 Iraqis, the British, through the leadership of Secretary of War Winston Churchill, largely extricated themselves by choosing a Sunni prince, Faisal, as king.

In light of this history, we should seriously consider that we have two basic options:

First, choose a faction to stabilize and rule the country through force, much as all of Iraq’s previous regimes did, and that is hardly an attractive option.

Or, second, bring about a partition of the country, to form a loose confederation where the Shiites, the Sunnis and the Kurds can each govern themselves while leaving the others alone.

Our enterprise in Iraq has been carried out with the best of intentions, and our men and women in the Armed Forces have performed with great heroism, skill, and honor. But we have to accept that we have a responsibility to help stabilize the situation, and doing so is in our national interest.

But I don’t think it is fair to ask our sons and daughters to be policemen in a civil war. Sadly, it seems that most Iraqis do not embrace democratic government unless it is dominated exclusively by their own individual groups.

The Sunnis, the Shia and the Kurds are willing and able to establish law and order within their own ethnically homogenous areas. The efforts to push out other areas currently underway in Iraq are deplorable, but it is surely not unexpected given Iraq’s history and desperate situation.

The sectarian militias have popular support because they have easily understood plans to establish security within their spheres for their own people. Instead of fighting the militias, we need to co-opt them. We need to help acceptable local tribal leaders, government leaders and religious authorities establish in their areas.

We also need to seek the positive involvement of Iraq’s neighbors. Some of them may be meddling, or may be tempted to meddle, but at the end of the day, instability in Iraq means instability for everybody in the region.

Let’s set about the task of helping Iraq’s three main groups to regroup and stabilize their own territories so that we will not witness the destruction of bases and ultimately split out altogether.

Mr. REYES. Mr. Speaker, it is now my privilege to yield 5 minutes to the gentlelady from Ohio, Representative Betty Sutton.

Ms. SUTTON. Mr. Speaker, throughout the course of history, when our Nation has faced its most significant debates over matters of war, there comes a time when voices of pundits and politicians must drop away and allow the voices of the people to be heard.

Our troops are brave and capable. They have fought heroically and this resolution makes it unequivocally clear that those of us who feel it incumbent to oppose the President’s escalation nonetheless support our troops. All Americans support our troops.

But Congress also has an oversight responsibility to ensure that they are provided a mission based on a realistic assessment and an achievable goal before we ask them to risk life and limb to implement it.

The President has asked Congress to support his escalation plan to send another 20,000 troops to Iraq.

This conflict is now almost 4 years long. Congress has not spoken as loudly and clearly as its responsibility requires.

As the Representative of the 13th District of Ohio, I cannot sit silent. I oppose the President’s plan for escalation and I fully support this resolution.

The President’s own military commanders have advised against this course of action, and in November, my constituents and the American people voted for a change of direction in Iraq.

Escalation is directly contradictory to that reality. It further down the wrong path, deeper and deeper, with a policy that asks our military to perform a nonmilitary mission of creating a unified government in Iraq.

But unity in Iraq has to be determined by the people who live there. It is neither fair nor just to ask our troops to fix a sectarian civil war.

Our Nation has paid a high price: the lives of 3,000 American troops lost; $379 billion spent, with another $8 billion every month of this war.

These lives cannot be retrieved; 139 brave men and women from Ohio have been killed, 14 from my district. I have a responsibility to every one of those casualties and to every one that might lie ahead, to represent their voices, especially those that can no longer be heard.

In early August 2005, Lance Corporal Edward “Augie” Schroeder II was killed in Iraq. Augie and 13 other young lives from northeastern Ohio were lost that day.

In January 2006, Augie’s father, Paul Schroeder, shared his thoughts and feelings in a letter to the Washington Post entitled, “A Life Wasted.” He said, “Since August we have witnessed growing opposition to the Iraq war, but it is often whispered, hands covering mouths as if it is too dangerous to speak too loudly. Others discuss the never-ending cycle of death and destruction, and sometimes clinical fashion, as in ‘the increasing lethality of improvised explosive devices.’”

Wiping the clinical talk away, Paul Schroeder went on to share the painful reality that he anecdotes a reality that cannot be understood when sanitized by clinical terms. He said, “Listen to the kinds of things that most Americans don’t have to experience: The day Augie’s unit returned from Iraq to Camp Lejeune we received a book of his notebooks, DVDs and clothes from his locker in Iraq. The day his unit returned home to waiting families, we received the second urn of ashes. This lad of promise, of easy charm and ready smile, whose highest high was saving someone, using CPR as a First Aid squad volunteer, came home in one coffin and two urns. We buried him in three places that he loved, a fitting irony, I suppose, but just through each to the war in Iraq must not be whispered, hands covering mouths as if it is too dangerous to speak too loudly. Accountability and a persuasive voice is needed more. This resolution rings loud and clear. We support our troops and we oppose the President’s plan to escalate in Iraq.

Will the President hear our collective voice? If he does not, it will not be because we sat silent.

Mr. SAXTON. Mr. Speaker, I would like to yield at this time 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I rise, reluctantly, in opposition to this resolution. I say “reluctantly” because I had hoped to be able to vote in favor of something positive, a fresh perspective, a new idea, a new pathway to success, anything to encourage and foster a positive outcome in the Iraq conflict. But this resolution offers none of these things. It is a simple, almost meaningless, nonbinding statement of disapproval that provides no collectively productive resolve on this daunting, yet critical mission.

My opposition is both procedural and substantive. I am extremely disappointed that we only have this one simplistic, inadequate statement before us for consideration. No alternatives, no other ideas, no solutions.

The situation in Iraq is complicated, and the American people deserve far more from Congress than a resolution that essentially calls for the status quo.

The resolution opposes the troop surge called for by the Commander in Chief, but fails to offer or even allow for consideration of any alternatives aimed at achieving success in Iraq, nor does it offer an alternative aimed at a reduction of troops.
There are other ideas out there worthy of consideration and discussion, yet we are not debating those, including those suggested by the bipartisan Iraq Study Group. For example, the study group concluded that there is no single answer, the military must take that, by itself, can bring about success in Iraq. I agree with that assessment. Regardless of a troop surge, I believe a positive outcome in Iraq requires regional cooperation and positive engagement with all of Iraq’s neighboring states.

A case can be made for a troop surge, but even more, we need a surge in diplomacy to create an environment conducive for a lasting peace throughout the Middle East. The history of the region is too diverse, too complex, and too tumultuous to expect progress without an integrated diplomatic effort and multinational support. Of course, this is the bill we will be voting on, and it offers no perspective on these matters.

In a few weeks, this body will have the opportunity to vote on funding for ongoing operations in Iraq. Forget today’s resolution; the vote on the supplemental bill is where the real debate will occur, and the policies will be laid forth. Make no mistake, a cut-off of funds and a premature withdrawal of troops from Iraq will produce even greater sectarian violence, further deterioration of security conditions, and would foment a terrorist breeding ground for radical Islamists.

We, the Members of Congress, must give our troops the resources they need to carry out their critical mission to a successful conclusion.

In closing, let me say that we all unequivocally support the troops who are serving and who have served in Iraq, and we all deeply appreciate their efforts and their duties. Every day I think about the 3,000-plus American troops who have died in Iraq and Afghanistan, and I pray for their families, as well as for our troops that are there now. I think about the thousands more who have been injured, the tens of thousands of innocent Iraqi citizens who have been killed or injured as a result of this conflict. We must do all we can to ensure that those casualties were not suffered in vain.

Above all, we must seek to end this conflict and stop the casualties. Simply put, the resolution we are debating offers no path to success, and that is why I oppose it.

Mr. HOYER. Mr. Speaker, pursuant to section 2 of House Resolution 157, I demand an additional hour of debate on the concurrent resolution.

The SPEAKER pro tempore (Mr. BOUCHER). Thirty minutes of debate will be inclusive of the concurrent resolution to each side.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at 8 a.m. tomorrow.

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

There was no objection.

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, continuing on my unanimous consent, I would tell the Members that we do not intend to have any 1-minute-tomorrow, so that we will begin debate at 8 a.m. on this resolution.

Debate, of course, will conclude tonight at 1 a.m. so that the staff can get at least some sleep; not much, but some. And we will have continuing communications with the minority with reference to the balance of the schedule for Friday.

Mr. REYES. Mr. Speaker, I now yield 5 minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I normally rise to speak on behalf of the people of Florida’s 16th Congressional District. Today I rise to begin a conversation not only with my colleagues, but with my constituents.

This week, this legislative body, the people’s House, is engaged in a great debate on President Bush’s decision to escalate the war in Iraq by escalating the number of troops. I have, over the past few days, heard many arguments as to the wisdom of the President’s decision to do so. But the one message that all who have spoken agree with, Democratic or Republican, liberal or conservative, is that our brave men and women in uniform have done a magnificent job fighting in Iraq and around the world to protect our lives, our culture, and our country.

I have heard my colleagues argue that the mere act of debating the President’s decision to escalate the war sends the wrong message to our troops and the wrong message to our enemies. To these colleagues I say do not underestimate the power of democracy, the power of freedom of speech, the very powers we are fighting to give the people of Iraq. Debate sends the message of strength, resolve, and commitment.

This debate is about finding the best way for America to win the war on terror.

I agree with the President that the world is a dangerous place and we need to take the war to the terrorists and those who support terror. But I disagree with the President that by sending more troops to police a civil war in Iraq, America is moving toward winning the war on terror. I come to this conclusion as a result of consultations with our military leaders, our diplomats, and those in the White House responsible for executing the President’s policy. I come to this conclusion from talking to our men and women in uniform who have served with distinction.

Democracy can only happen when a people want it. We have seen time and again that a people who yearn for democracy will break the yoke of tyranny and liberate themselves from their oppressors. America has invested lives of over 3,000 of its best young men and women, sustained over 20,000 casualties, and spent nearly $400 billion on the Iraq war. We have rid the Iraqi people of a cruel tyrant and have given them the opportunity to live in a democracy. American men and women seek the peace that their efforts will not change the hearts of the Sunni or Shia. Additional troops will not secure democracy. Only the men and women of Iraq can do that. Now is the time for the Iraqi people to stand and demand democracy.

It is time for America to move forward in our fight against terror. It is time to focus on eliminating terrorists in Iraq, Afghanistan, or wherever they are harbored. It is time to bring Osama bin Laden to justice for the crimes he perpetrated on 9/11.

We need to gather our strength and send a clear message to our enemies that their continued efforts to support terror and engage in activity against America or her allies will result in certain and swift justice.

This President needs to do what his father did in the first Gulf war and what President Clinton did in the Balkans and that is to demonstrate leadership by engaging in diplomacy. This President needs to listen to the sage advice of the Baker-Hamilton Commission and use America’s power and prestige to bring the world together in support of the Iraqi people. The world needs to know that America will provide a democratic Iraq, and those who support her, with political, economic, and military support.

I want my friends in Stuart, Okeechobee, Sebring, LaBelle, and Punta Gorda to know that I am here today because democracy requires us to speak up and speak out and you deserve to have a voice in this debate. In speaking out, I am supporting our President by letting him know that we are committed to winning the war on terror, but that we will not support his strategy to increase escalation of the troops in Iraq and that America will not quit until we have vanquished all who use terror to achieve political gain.

We want the Iraqi people to know that this is their moment to grasp democracy; and should they choose to do so, the American people will continue to support them and their efforts to build a better life for their children.

Tomorrow, my colleagues and I will take the important first step in showing the President that we support our troops but do not support his plan to invest more American lives to mediate a civil war.

Make no mistake, this vote is binding, as it binds me and my colleagues to our constituents by forcing us to take a stand.

Mr. SAXTON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition to this nonbinding resolution.
We urged the creation of a bipartisan Iraqi Study Group comprised of our country’s most distinguished and seasoned experts and asked their advice. Among the key items they supported was a temporary surge in troop strength if called for by the commanders on the ground. “As Baghdad goes, so goes Iraq,” they pointed out.

These are all steps in the right direction. But what would approving this resolution signal to the world? That we tell the Iraqi people to take the tough steps, but then deny them the support they need to do so? That we urge the creation of a bipartisan commission to give us guidance and then reject its advice? That we unambiguously confirm a new general on the ground and then deny him his plan? That we support our troops, but not their replacements?

These are not the messages that I want to send. We owe it to our troops and to those who have given their lives to give them the chance to show that they are willing to fight for and take responsibility for the future of their own country. But we have to exercise our constitutional powers and hold them to it, and we have to stop signaling that the best Congress can offer is a big, nonbinding “no” to someone else’s plan.

So today I am cosponsoring legislation, H.R. 1062, that will do just that: hold the administration, and the Iraqi Government accountable in achieving clear benchmarks. It requires the President to report to Congress every 30 days on the extent to which the government of Iraq is moving forward on more than a dozen fronts, from troop training and security to rebuilding, reconciliation, international cooperation, and enforcing the rule of law. It also requires progress reports on the implementation of strategies that will prevent Iraqi territory from becoming a safe haven for terrorist activities.

Most significantly, H.R. 1062 exercises the full constitutional powers of this body, not through a symbolic expression of discontent, but through vigorous oversight and true accountability.

I urge my colleagues to support H.R. 1062 and reject the resolution before us. Mr. REYES. Mr. Speaker, it is my privilege to yield 5 minutes to a breath of fresh air from Arizona, my good friend Mr. MITCHELL.

Mr. MITCHELL. Mr. Speaker, I think it is safe to say that regardless of any differences of opinion over military strategy in Iraq, we all agree that the outcome in Iraq will affect our national security and the security and stability of the Middle East for generations to come.

I was not a Member of this distinguished body in October of 2002 when many of my colleagues were faced with the decision of whether to authorize the President to go to war in Iraq. But 4 years later, I was elected by the people of my district who asked me and this Congress to set a new course in Iraq because it is clear to them that the administration’s course is not working.

That is not to say there has not been some success. Our troops have performed bravely and succeeded in their mission to end Saddam Hussein’s brutal regime. The Iraqi people have exercised their new-found right to vote, and those who murdered innocent Iraqis have been given fair trials and justice has been served.

But since the initial military victory, political, diplomatic, and economic failure has become widespread. Today, sectarian violence is at an all-time high, and American troops are now caught in the middle of a civil war.

Now the administration is engaging in a military escalation of the war. They tried this strategy before and it didn’t work. It didn’t work because we need more than a military strategy. We need political and economic solutions to create commerce and jobs for the Iraqi people. patriotic and military strategy alone cannot rebuild the basic infrastructure that has been destroyed over the past 4 years. A military strategy must be combined with sufficient political, diplomatic, and economic components. But that is not happening here.

I disagree with many of my colleagues in this Chamber who support the immediate withdrawal of U.S. troops. We have heard from too many generals, including those who have spoken out against this escalation, about the dangers of even more violence and instability in the Middle East if we simply withdraw. I do believe American troops have a role in Iraq, a supporting role. They should continue to train Iraqi soldiers, and their mission must ultimately be to put the Iraqis in charge of their own security and stability. But let me be clear: American troops have no place in the middle of a civil war.

This resolution reaffirms this body’s support for the men and women of the United States military. Many of our troops have given their lives or suffered serious injury so that one day the people of Iraq may enjoy the same freedoms we have here in the United States. Their sacrifice and the sacrifice of the Middle East for generations to come.

I hope and pray that we can have all of our brave men and women in Iraq and Afghanistan return safely to their families, but while they are in harm’s way, we must honor their service by ensuring that the burden of success or failure is not left to them alone. We
have a responsibility to utilize every political, diplomatic, and economic tool at our disposal to ensure success in Iraq.

Mr. SAXTON. Madam Speaker, I yield 3 minutes to the gentleman from Texas, Mr. SMITH.

Mr. SMITH of Texas. Madam Speaker, first of all, I want to thank my friend and colleague from New Jersey for yielding me time.

Madam Speaker, this nonbinding resolution is really a nonsensical political statement. We should deprive our troops of the reinforcements they desperately need. Let us trust their judgment and give them the reinforcements they want.

How would you feel if you were an American soldier in Iraq and Congress passed this resolution? It is like telling you to fight with one arm behind your back, and that is no way to defeat a terrorist.

It is our responsibility to assist our troops, not discourage them by ignoring their needs. This political resolution shortchanges our generals and their troops. Instead, we should support those who are sacrificing their lives to protect ours.

Our men and women in uniform deserve only to serve their country with honor. Rather than deny them what they want, we should give them the resources they deserve.

Unfortunately, many terrorists hate our country, our citizens, our freedoms and our way of life. The global war on terror is fierce; this is no time to appear weak. London, Moscow, Madrid and six other cities around the world have suffered terrorist attacks since 9/11, but there is a reason no terrorist attack has occurred in America since 2001. It is not because some would sec- tivist has held Iraq standing in the world. The released NIE Esti- mate for Iraq underscores just how flawed the administration's doctrine has been. Among the key judgment, I quote, "Iraqi society's growing polar- ization...has been...the persistent weakening of the security forces and of the state in general." And again I quote, "Extremists continue to act as a very effective accelerator for what has become a self-sustaining interstate struggle between Shia and Sunnis." And now I quote again, "The Intelligence Community judges that the term 'civil war' does not adequately capture the complexity of the conflict in Iraq."

The judgments of the National Intelligence Estimate reinforce the view that a military solution in Iraq is not possible. The administration has at- tempted troop surges in the past. They haven't worked. Adding another 21,000 American troops would not end the violence and instability in Iraq. The only chance to do that is for Iraq's leaders and factions to come together and begin the difficult process of political compromise and reconciliation.

I believe the orderly redeployment of U.S. forces is the best way to put pressure on the factions in Iraq to come together and make these difficult choices.

This resolution is straightforward. It states clearly and unambiguously that Congress does not support the Presi- dent's plan. It supports our military personnel but not a further military escalation.

Some have said it is not serious because it is nonbinding. Others have said the resolution emboldens our ene- mies and hurts the troops. How does it embolden our enemies or hurt the troops for this Congress to disapprove continuing a strategy that is not work- ing?

The resolution we are debating today is nonbinding, but is not noncon- sequential. I hope the administration will hear the clear bipartisan message we are sending and change course.

The question today before the House is whether or not we agree with the President's plan to send 21,000 addi- tional troops to Iraq to referee a growing civil war. I do not agree with this escalation. I urge all my colleagues to join in calling on the President to change course in Iraq.

Mr. LEVIN. Madam Speaker, I would yield 3 minutes to the gentlelady from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentle- man for yielding time.

Madam Speaker. I rise today in strong opposition to this nonbinding resolution. This is not even an honest debate that we are holding here; we didn't have an open rule. This is the wrong message to our troops, to our enemies and to our allies.

Today, like many Members of Con- gress do on a regular basis, I visited Walter Reed. While I was there today, I visited with a young man from my district. He had severe injuries. As I sat and talked to him, his empty eye socket teared. He had damage to his face. He had horrific damage to his arm that he used to protect his face. He was in a Humvee when an IED exploded, and he actually turned the Humvee to- wards the IED to protect the other men in the Humvee. His sacrifice is incred- ible. I talked to another young man from Pennsylvania who had been on three tours in Iraq, and on his third tour, while driving, he lost his hand.

I also spoke to a young man from Texas, only 20 years old; and this young man had severe injuries, specifi- cally to his arm.

So we all know that the cost of war is very high. Many of us Members of Congress have also attended funerals and wept with mothers and fathers, families. People in my age group look at these young soldiers and they are the age of our kids. It touches our hearts, and we know the sacrifices that our soldiers are making. People need to feel the gratitude from the en- tire Nation, gratitude and respect. And I believe that this resolution, again, sends the wrong message.

What is not being considered ade- quately in this country is the cost of failure in Iraq. When we think about our enemies being emboldened, when we think about the vast resources that our enemies will have access to acquire biological and nuclear weapons, the horrific effects are just almost immeasurable.

As I think about this cost of failure in Iraq, and indeed, on the global war on terror, I think about how we Ameri- cans make an assumption. We assume, most of us, when we go to bed at night that when we wake up, tomorrow is going to be like today, that things are going to go on like they have gone on and we will have the liberties and the freedoms that we enjoy. But I would say this wonderful things that we have made strides. The freedoms and liberties are very fragile. They are very fragile when we face radical jihadi that would murder us,
thinking that it will take them straight to paradise.

We have to fight this war on terror. We have to win in Iraq. I talked to a retired general yesterday, and I believe he said it all. He said, ‘You’re down there, things that you’re talking about the united-we-quit resolution.’ I believe that we have a choice: United we stand or united we quit, and our choice will echo down the halls of history.

Mr. REYES. Madam Speaker, now it is my privilege to yield 6 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Speaker, make no mistake about it, the change that took place in this body over the course of November 7 is directly related to this war in Iraq. And the presence of a number of people who are here now is directly related to the will of the American people to end this war, which never should have been started.

The strategy to escalate the troops is not new. It has been tried at least four other times. It won’t work this time, it didn’t work those times. The thing to do now is to engage diplomatically and politically. That is what this situation calls for, and that is the only thing that will bring success in this conflict at this time.

Support the troops? Of course. Support the troops. Always we support the troops. But there’s a time when you cannot get the success that you seek at the barrel of a gun, you have to talk it out, you have to engage diplomatically, you have to engage politically. There is no substitute for that.

Support the troops, but bring them home. Support the troops, redeploy them, and allow the Iraqi people to seize and protect their country at this time.

I carry a message here today on behalf of people like Phil Steger and the Friends For a Nonviolent World, on behalf of Chapter 27 of Veterans For Peace, on behalf of every patriot who stands for peace, in the frigid cold, every Wednesday night on Lake Street Bridge in Minneapolis.

On behalf of the 3,100 Americans killed, including Minnesotans, I carry that message. On behalf of 24,000 scarred and wounded young Americans, including 372 Minnesotans, I carry the message of the families of the loved and the loved ones of the damaged and deceased, I carry the message that the American soldier has done what has been asked, and it is time for politicians to step forward and do their job, which is to seek a political and diplomatic solution to this conflict, something that this latest escalation cannot do.

On behalf of the $8 billion we send to Iraq each month, hard-working American tax dollars that could be used to enrich the lives of the 86,000 underserved children of Minnesota, or for nearly the 700,000 Minnesota Medicare patients, I carry the message that we need peace.

We need to pursue it vigorously, unswervingly, and urgently.

On behalf of the Americans who purposefully misled repeatedly, including the administration as related to these weapons of mass destruction where none existed, on behalf of the people who signed between 9/11 and Saddam Hussein where none existed, on behalf of the people who said that regime change would be welcomed with flowers instead of IEDs, I say stop the deception, start telling the truth.

On behalf of the people who say that the Iraqi oil revenues would pay for this war instead of draining the American Treasury of over $400 billion, I say stop the deception, start telling the truth.

On behalf of those Americans who told us, repeatedly, facts which got us into this war in the first place, and which they are trying to sustain us in this war now, I say stop the deception.

Stop the killing. Stop the carnage. Support our troops, do not support this escalation. Send a clear signal to the President that this is the wrong way to go.

For 6 years now while the deception has spread, we were told to shut up, bite your tongues, you are not as patriotic as me, you don’t love America as much as I do. None of that is true. We have to stop this polarizing language and really focus on the best way out of this.

Even people who support the escalation can’t claim that we are going to be in Iraq forever. What is your plan for eventually getting out of this thing? We say let’s start the withdrawal now, let’s start the diplomatic solution now, let’s start the political solution now.

I want to say, on behalf of those who really thirst for peace, who believe that peace really is the answer, that we need to look at the words of Martin Luther King. He said, ‘There comes a time when silence is betrayal.’ And so it is.

And so, in keeping in line with the legacy of Dr. King, I want to talk about peace today. To those people who believe in the principles of peace and that peaceful dissent that guided Dr. King, those people should know that for you to raise your voice on behalf of peace is a patriotic act, it is a good thing.
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American people, and I believe we will all benefit from open, constructive, and sincere debate.

It goes without saying that no one Member of Congress or political party has a clear-cut solution to the complex problems facing Iraq.

I expect that every Member of Congress will share their thoughts on whether we should approve or disapprove this 100-word resolution; and like every Member of Congress, I offer and convey my respect, gratitude, and thanks for the exemplary service and heart-rendering sacrifice made by our young men and women in the military. As so many have said, they have performed in an exemplary way, and they have accomplished every task we have asked them to do.

I have had the great privilege of representing Ft. Campbell, home of the 101st Airborne Division and the 5th Special Forces group, who have served many times in Iraq.

Throughout this debate many speakers have quoted generals and other experts who have disagreed emphatically with many aspects of the military decisions involving security in Iraq. We know there have been and continue to be strong disagreements among those who have been intimately involved in this issue.

We have as a Nation endured so much. As has been said, over 3,000 American soldiers have died, and 23,417 have been wounded during the past 4 years in Iraq.

While I understand the arguments of those who support this resolution, I would like to briefly explain why I believe we should vote against this resolution.

Neither President Bush, Speaker Pelosi or any Member of Congress will have as much opportunity to maximize the possibility of success in Iraq as our new military commander in Iraq, General David Petraeus. He is responsible, with the men and women serving, for implementing our Nation’s faced security for Baghdad. He was confirmed for this new responsibility by a vote of 81–0 in the U.S. Senate on January 26, 2007, a mere 20 days ago.

At his confirmation hearing, among other statements, General Petraeus said, “Some of the members of this committee have observed that there is no military solution to the problem of Iraq.” And he said, “They are correct.”

Ultimate success in Iraq will be determined by actions in the Iraqi political and economic arenas on critical issues as governance, the amount of power devolved to the provinces, the distribution of oil revenue, national reconciliation, and resolution of sectarian divides.

And then he went on to say, and this is key, It is, however, exceedingly difficult for the Iraqi Government to come to grips with the tough issues it must resolve while mere survival is the primary concern of so many in Iraq’s capital.

For this reason, military action to improve security, while not wholly sufficient to solve Iraq’s problems, is certainly necessary, and that is why additional U.S. and Iraqi forces are needed in Baghdad. They do have a role.

General Petraeus and our military have been asked to implement this additional security. He has committed to do this, as I said, 20 days ago. Are we going to turn our backs and abandon General Petraeus and his soldiers this early? Are we going to say “no” without an adequate opportunity for the new strategy to work?

In truth, no one can predict the impact of a failed Iraqi state on regional stability, the international economy, the global war on terror, American security, stability in the Middle East and the lives of the Iraqi people. Twenty days is simply not enough time.

I would also like to remind the Members that on page 23 of the Iraq Study Group it says quite clearly, “We could support a short-term redeployment or surge of American combat forces to stabilize Baghdad and that is what we are trying to do.

In my view, it is premature to vote ‘yes’ on this resolution, only 20 days after confirming a new general to go to Iraq to provide additional security in Baghdad so that the Iraqi Government will have a reasonable opportunity to succeed.

Mr. REYES. Madam Speaker, now it is my privilege to yield 5 minutes to the gentlewoman from California (Ms. ESHOO), a member of the Intelligence Committee.

Ms. ESHOO. Madam Speaker, I thank my colleague for yielding to me, the distinguished chairman of the House Intelligence Committee.

Madam Speaker, it has been a long and painful 4-year journey for the people of our country since this administration acted preemptively and unilaterally to invade and occupy Iraq, policies which I believe then and still believe today were wrong and could not stand because they simply are not in our national character.

We were told Saddam Hussein had weapons of mass destruction. None were found.

We were told there was yellow cake. It was a falsehood.

We were told that there were trailers containing the evidence of deadly chemicals.

We were told the mission was accomplished.

We endured national and international shame when the horrific pictures depicting Abu Ghraib appeared.

We learned that our troops were not sufficiently equipped.

We mourned with our constituents as the death toll of American troops mounted and continued to mount. Just think, 137 casualties in November of 2004, then the deadliest month overall. Today, over 3,000 precious U.S. lives have been lost, with thousands maimed and injured. And it is how many innocent Iraqi lives lost.

We witnessed the world community’s total support on 9/11, and we have wit-nessed the diminishment of America’s credibility around the world because of the Iraq war.

We have heard the President and the Vice President talk about victory and insurgency in its last throes.

We have learned that a lack of intelligence and endured a no-oversight Congress.

Preemptive war, unilateralism, invasion, occupation, no post-war plan, an insurgency born of our blunders, and arrogance instead of reality. A failed invaded intelligence and endured a no-oversight Congress.

The bipartisan Iraq Study Group, appointed by the President, reported the utter urgency of action by the administration.

Retired General William Odom, former director of the National Security Agency under President Reagan and member of the National Security Council under President Carter, wrote an op-ed in the Washington Post on February 11. I would ask that it be made part of the RECORD

*VICTORY IS NOT AN OPTION*
THE MISSION CAN’T BE ACCOMPLISHED—IT’S TIME FOR A NEW STRATEGY
(By William E. Odom)

The new National Intelligence Estimate on Iraq starkly delineates the gulf that separates President Bush’s illusions from the realities of the war. Victory, as the president sees it, requires a stable liberal democracy in Iraq that is pro-American. The NIE describes a war that has no chance of producing that result. In this critical respect, the NIE, the consensus judgment of all the U.S. intelligence agencies, is a declaration of defeat.

Its gloomy implications—hedged, as intelligence agencies prefer in rubbishy language that cannot soften its impact—put the intelligence community and the American public on the same page. The public awakened to the reality of failure in Iraq last year and turned the Republicans out of control of Congress to wake it up. But a majority of its members are still asleep, or only half-awake to their new writ to end the war soon.

Perhaps this is not surprising. Americans do not warm to defeat or failure, and our politicians are famously reluctant to admit their own responsibility for anything resembling those un-American outcomes. So they beat around the bush, wringing hands and debating “nonbinding resolutions” that oppose the president’s plan to increase the number of U.S. troops in Iraq.

For the moment, the collision of the public’s clarity of mind, the president’s re-election, and pursuit of defeat has paralyzed us. We may be doomed to two more years of chasing the mirage of democracy in Iraq and possibly widening the war in Iran. But this is not inevitable. A Congress, or a president, prepared to quit the game of “who gets the blame” could begin to
alter American strategy in ways that will vastly improve the prospects of a more stable Middle East.

No task is more important to the well-being of the United States. We face great peril in that troubled region, and improving our prospects will be difficult. First of all, it will require a change in our assumptions, at least in many congressional circles. I would summarize that change in several ways: (1) We must continue the war to prevent a new haven for al-Qaeda in Iraq. But it was the U.S. invasion that opened Iraq’s doors to al-Qaeda. The longer U.S. forces have remained there, the stronger al-Qaeda has become. Yet its strength within the Kurdish and Shiite areas is trivial. After a U.S. withdrawal, it will probably play a continuing role in helping stabilize Iraq. Whether such foreign elements could remain or thrive in Iraq after the resolution of civil war is open to question. Meanwhile, we will not push al-Qaeda outside Iraq. On the contrary, the American presence is the glue that holds al-Qaeda there now.

(2) We must continue to fight in order to ‘support the troops.’ ‘This argument effectively paralyzes almost all members of Congress. Lawmakers proclaim in grave tones a litany of political expediency to justify a rapid pullout. Then they reject that logical conclusion, insisting we cannot do so because we must support the troops. Has anybody asked the troops? During their first tours, most may well have favored ‘staying the course’—whatever that meant to them—but now in their second, third and fourth tours, many are changing their minds. We see evidence of that in the many news stories about unhappy troops being sent home from bases in Iraq.

(3) We must prevent the emergence of a rogue state, primarily a democratic Iraq. We must redirect our military operations so they enhance rather than undermine stability. We can write off the ‘regime change’ and make ‘regional stability’ our measure of ‘victory.’ That single step would dramatically realign the opposing forces in the region, where most Arab countries view the long-term stability of the region as a source of strength, not as a weakness, and make the angry mobs of young Arabs shouting profanities against the United States want predictable order, albeit on better social and economic terms than they now have.

(4) We must redefine our purpose. It must move from a stable region to a democratic Iraq. We must redirect our military operations so they enhance rather than undermine stability. We can write off the ‘regime change’ and make ‘regional stability’ our measure of ‘victory.’

That single step would dramatically realign the opposing forces in the region, where most Arab countries view the long-term stability of the region as a source of strength, not as a weakness, and make the angry mobs of young Arabs shouting profanities against the United States want predictable order, albeit on better social and economic terms than they now have.

Realigning our diplomacy and military capabilities to achieve order will hugely reduce the numbers of our enemies and gain us new and important allies. This cannot happen, however, until our forces are moving out of Iraq. Why should Iran negotiate to relieve our pain as long as we are increasing its influence in Iraq and beyond? Withdrawal will awaken most leaders in the region to their own need for U.S.-led diplomacy to stabilize their neighborhood. If Bush truly wanted to rescue something of his historical legacy, he would seize the initiative to implement this kind of strategic shift. This would establish the United States as a leader capable of reversing direction by turning an imminent, tragic defeat into strategic recovery.

If he stays on his present course, he will leave Congress the opportunity to earn the credit for such a turnaround. It is already too late to wait for some presidential candidate for 2008 to retrieve the situation. If Congress cannot act, it, too, will live in infamy.

He identified the shortcomings of the administration’s Iraq policy and presented some of the clearest and most prescient thinking on the issue to date. He places in stark relief what many of our colleagues refuse to accept, that the preemptive, unilateral course set by the President is not a strategy for success in Iraq.

He says: ‘The first and most critical step is to recognize that fighting on now simply prolongs our losses and brings us no closer to a stable region. Getting out of Iraq is the precondition for creating new strategic options. Withdrawal will take away the conditions that allow our enemies in the region to enjoy our pain.’

‘Second,’ he says, ‘we must recognize that the United States alone cannot stabilize the Middle East.

‘Third, we must acknowledge that most of our policies are actually destabilizing the region. Spreading democracy, using sticks to try to prevent nuclear proliferation, threatening “regime change,” using the hysterical rhetoric of the “global war on terrorism”—all undermine the stability we so desperately need in the Middle East.

Fourth, we must redefine our purpose. It must be a stable region, not primarily a democratic Iraq. We must redirect our military operations so they enhance rather than undermine stability.

So many experts, so many respected leaders, so many voices of patriots, and their critical analysis ignored.
Madam Speaker, in the preamble to our Constitution, three magnificent words lead the document: “We, the people.” The people of our Nation made the clearest and most important solemn judgment on Iraq in last November’s election. They said, by overwhelming numbers, to change the direction of this war, to de-escalate, not escalate.

That is exactly what this debate is about. We pay tribute to and support our troops who honor our country with their service. We say, as the American people have said, enough is enough. I urge my colleagues to vote for this resolution.

Mr. HERGER, Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker: I hope we can recognize the profound importance of our mission in Iraq. History surely will. The mission in Iraq will impact our national security for decades to come.

The United States seeks a region of stability and security, to create a more secure world for our children and grandchildren. Al Qaeda seeks a region of terror and bloodshed.

The President believes victory in Iraq is key to victory on the war on terrorism. Al Qaeda believes our victory in Iraq is key to its vision of violent Islamic rule. Our security is clearly at risk.

Americans are frustrated by the current situation in Iraq. We have witnessed the removal of a historic dictator, yet our men and women in uniform remain at risk. We have witnessed historic democratic elections, yet those elected have not yet brought security. We have been told about the progress we have experienced in training Iraqi security forces, yet violence continues to rage.

With growing uneasiness, we have watched a back and forth tug of war between progress and setback, and we mourn the loss of every single brave American who has fallen during this mission.

Madam Speaker, I share this frustration and sorrow. Yet I believe we must not allow our frustrations to blind us to the need for victory over radical jihadists. This House must work together in addressing the challenges in Iraq, because the outcome will be closely linked to our own national security for years to come.

Regrettably, the resolution before us does nothing to enhance this security. It does not offer a solution to the challenges in Iraq. It does not recognize the magnitude of the failure. And it does not recognize the nature of our enemies. For these reasons I strongly oppose it.

Madam Speaker, we know terrorists friendly to bin Laden are among the enemy in Iraq. Even before the fall of Saddam’s regime, the terrorist mastermind Zarqawi had sought refuge in Iraq. His network of terror grew rapidly. Bin Laden’s top deputy applauded his actions and counseled him on achieving dominance in the region. Although Zarqawi himself can no longer harry al Qaeda in Iraq remains a threat to our security.

An American defeat in Iraq would embolden the terrorists like no event before, bolstering bin Laden’s view that America is weak. Al Qaeda would enjoy more than just a morale boost; they would have a new operational base to plot attacks against Americans and train new recruits. An American defeat in Iraq would almost certainly bring forth a government that turns a blind eye to our security.

For these reasons, we must give the President’s new plan in Iraq a chance to succeed. Our resolve must override our frustrations. Our support for the remarkable members of our Armed Forces must be unwavering. And our determination in fighting radical jihadists who want to kill us and our families must never run dry. Madam Speaker, that determination must never run dry.

Mr. REYES. Madam Speaker, it is my privilege to yield 6 minutes to the gentleman from Maryland (Mr. RUPTERBERGER).

Mr. RUPTERBERGER. I thank you, Chairman Reyes, of the Intelligence Committee.

Madam Speaker, this resolution before the House today is very clear: Congress and the American people support our troops who serve bravely in Iraq, and Congress approves of President Bush’s decision to send an additional 20,000 troops to Iraq.

There is not a Member of this body who does not pray for our Nation’s success in Iraq and in the global war on terrorism. Our men and women have performed in Iraq with valor and honor. They have done everything that a grateful Nation has asked of them since the beginning of the war.

Whether you are for or against the war, we support our troops. This resolution does that.

The only people sacrificing in this war are the troops and their families.

Many military personnel have served two and three tours of duty. It has been difficult on their families here at home. More than 3,100 of our finest sons and daughters have given the ultimate sacrifice for their country. More than 25,000 troops have been wounded.

We have increased the number of American troops in the past, and we have not done anything to calm the violence. In fact, in certain circumstances the violence has increased. Even General Abizaid, commander of U.S. forces in the Middle East has stated, “More American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.” I completely agree with him.

I serve on the House Permanent Select Committee on Intelligence; I have been to Iraq four times and have met with our forces, our Iraqi allies, and Iraqi troops, and Iraqi elected officials. We must give the Iraqis more responsibility to take control of their own country. We must cut the apron strings and let the Iraqis patrol their own streets. American troops will guard the perimeter areas and back up the Iraqis in an emergency. I call this the Perimeter Plan.

Redeploying troops to perimeter areas, the Green Zone, and lowering the profile of American forces will break the dependency the Iraqi military has on U.S. forces.

The Iraqis will gain more confidence in their own ability to secure their own country, and we will begin bringing our men and women home.

It has been said by my friends on the other side of the aisle that the Democrats don’t have a plan. That is not true. Other Members of our party have a plan and I have a plan. In fact, I gave a copy of the Perimeter Plan to the President and members of his Cabinet on two occasions at the White House. I also gave a copy of the Perimeter Plan to the Iraqi Study Group that reviewed it before issuing its recommendations that have been largely ignored by the President. This is not cut and run like some on the other side of the aisle would like you to believe. It is a way to force the Iraqis to take more control of their country, while also allowing the U.S. military to do what it does best.

We have some of the best operations forces, Marines and Rangers, and the best technology in the world. These forces can focus on backing up the Iraqi military.

As Thomas Payne insisted during the American Revolution: “We need to let those who want independence test their will and try their soul.” More American troops hinder the Iraqi democracy from testing its soul, and hurt the weight of the global war on terror. More than $400 billion has been spent in this war by American taxpayers with little or no oversight by Congress. From the invasion of Iraq and the start of the
war, a Republican House and Republican Senate have given the President almost whatever he wanted both in money and strategic resources. The days of the blank check are over. The stakes are too high to allow this money and resources to be spent unaccountably.

In the first 6 weeks of this new Congress, the Democrats have held 52 House and Senate hearings on Iraq. We are conducting oversight and holding the administration accountable.

Iraq was not a haven for terrorists before the war, but it is now. The country has become a magnet for those who want to harm Americans and Iraqis and disrupt a new democracy. Terrorists have used Iraq against us to recruit and spread their twisted ideology worldwide.

But the global war on terror is much more than Iraq. While we are spending much of our precious resources in Iraq, we are not focused on fighting terrorists worldwide. We are taking our eye off the ball. We must refocus our efforts on other parts of the Middle East, Asia, South America, Africa, and other parts of the world. Good intelligence is the best defense against terrorists. We must prioritize where we put our money. It is not about Republicans or Democrats. It is about all Americans and keeping this country safe for our children and our grandchildren.

Madam Speaker, this is a critical moment in the war in Iraq. More troops will not help Iraq. A new strategy will.

Democracy is rooted in independence and self-sustainment. By implementing the Perimeter Plan, we encourage the Iraqis to take control of their own country. This strategy will allow us to be successful in Iraq and win the war on terror. This is why we must vote for this resolution. I urge Members to support it.

Mrs. WILSON of New Mexico. I am pleased to yield 5 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Madam Speaker, the Iraq war is the single greatest issue facing the American people today, and we must get the job done. Which is why I rise today in opposition to H. Con. Res. 63.

My prayers go out to Nevada’s 26 families who have lost loved ones in this war and to the other over-3,000 American citizens that have paid the ultimate sacrifice. I continue to pray for those who are in the war zone today around the world and for the families here at home.

Yes, a lot of mistakes have been made, but it is easy on Monday morning to look back and criticize. This war on terrorism is not in the textbooks. It is a war that must continually be reassessed, realigned, and restructured, because war is not perfect.

I want to urge the troops home just as soon as possible, as soon as the region is secured. There are no guarantees, but I believe the quickest way to bring our sons and daughters home is to send additional troops for a short period of time.

Madam Speaker, I oppose this resolution for three major reasons: Number one, the impact on troops’ morale.

Number two, there are no solutions today. This resolution sticks with staying the course.

And, number three, I believe this resolution puts us in the pathway of cutting off funds desperately needed for our troops.

First, on the morale: I have had the honor to be in the Middle East, in Southeast Asia, in Iraq, Afghanistan, Pakistan on three occasions, I believe more times than anyone in our delegation from Nevada. I have looked in the eyes of these young men and women of all ages in the deserts of Iraq, in Bethesda, and in Walter Reed Army Hospital.

To a person, morale is at an all-time high. But what I do hear consistently from these folks is they are afraid that Washington has looked the other way. They don’t want to be the last man killed, and they are afraid the funds are going to be reduced and cut off.

And, you know I even disagree with Secretary Gates and his perspective, and certainly with the Democrats with their approach that this debate does not send the wrong message. I believe you are wrong. It does.

I received this e-mail just this week from a soldier I spent Christmas Eve with in Baghdad this past Christmas. And he said, “Congressman, every day we are burdened with stories in the media of the American people wanting to cut and run, with slanted coverage of atrocities and the argument that it is possible to support the troops but not the war. I disagree, Congressman. Someone that supports me by extension supports my efforts to accomplish my mission.”

Madam Speaker, I hope this Congress heeds his words.

Another young man from Nevada visited the Capitol last year, wanted a tour of the Capitol, is proud of his uniform, because he was a soldier serving in the Middle East. But he was afraid he would be scorned, not unlike our family and friends that were scorned when they returned from Vietnam.

Through this resolution we are going to continue to send the wrong message to those who humbly protect our Nation.

The second reason, there are no solutions in this resolution. My father taught me a long time ago that before you complain you need to have a solution to the problem.

The Democrats have not presented the American people with a solution, only a resolution that endorses stay the course, which, as we saw in November and said we must not stay the course.

I rise today in opposition to H. Con. Res. 63. I urge Members to support this resolution, and I don’t believe the American people do.

Mr. REYES. Madam Speaker, it is now my honor to yield 5 minutes to the gentlelady from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to support the resolution and to express my opposition to the President’s plan to send additional troops to Iraq. While I rise as a Member of this House who opposed authorization of the Iraq war, I also rise as a member of the new Congressional majority, representing millions of Americans who voted for a new direction in Iraq, and I rise representing my own 34th congressional district of California, whose constituencies overwhelmingly oppose this escalation.

Perhaps, most importantly, I rise as the proud stepmother of a U.S. Army serviceman who served in Iraq, and a proud wife of a marine who saw two tours of duty in Vietnam. While I will never personally experience the war on the ground, I can speak from a wife and mother’s perspective about what it means to have a loved one sent into harm’s way.

Over 4 years ago, I spoke from that very perspective when I, with many of my colleagues, urged the President to exhaust all diplomatic efforts, give the U.N. weapons inspectors a chance to finish their job and, if necessary, establish a multilateral coalition force to confront Saddam before invading Iraq. These steps would have made it possible to say to my stepson and to all our Nation’s sons and daughters, your country did everything in its power to keep you from harm’s way.

Regrettably, the President did not do everything in his power to keep them from harm’s way. We know now that decisions to invade Iraq were based on, at best, faulty intelligence, and, at worst, intelligence viewed to favor a
Speaker, I am pleased to yield and daughters out of harm whether we were doing everything in honor their service or support their efforts. This body that does not respect and everything they have been asked to do be grateful to the brave men and women in uniform who have done every sense.

But the bar to war must be set high, and information on which we base our entry into war is absolute. Our government must be clear, compelling, and as unfiltered as possible. The President did not, in good faith, make the case to preemptively and unilaterally go to war in Iraq, and he has not made the case for this escalation. He has not explained to the American people why, after four failed escalations, this one will succeed. Even many of his generals and military advisors oppose this plan.

To give approval to this administration, to continue its failed strategy, and to go forward with the lives of an additional 20,000 troops defies common sense.

Madam Speaker, we will all forever be grateful to the brave men and women in uniform who have done everything they have been asked to do valiantly and courageously. I wish to see Iraq become a new central base for terrorists, the consequences of fulfilling bin Laden’s wish to see Iraq become a new central base for terrorists, the consequences of destabilizing the Middle East and endangering Israel, our strongest democratic ally in the Middle East.

The consequence is of involving our enemies like Iran and other rogue states who threaten destruction without the fear of repercussion. Ultimately in Iraq, it is Iraqis who will decide if democracy or tyranny rule the day, and whether they avoid the consequences of their failure.

While we debate this resolution, let me be clear that, like my constituents, my patience is limited in Iraq. We must see more progress sooner rather than later. We must see the Iraqis play a larger role and take control of their country. The Iraqis need to recognize their failure to take control has consequences, the consequences of fulfilling bin Laden’s wish to see Iraq become a new central base for terrorists, the consequences of destabilizing the Middle East and endangering Israel, our strongest democratic ally in the Middle East.

The question raised by this resolution is, will we yield? As Winston Churchill said, reflecting on the darkest days of the global war of his time, one that pitted the hopes of freedom against the ideology of hatred, ‘Never give in: never, never, in nothing great or small, large or petty: ‘Never yield to force; never yield to the apparently overwhelming might of the enemy.’

Madam Speaker, in the daunting challenge of our time, we must not waver, and we must not yield.

Mr. REYES. Madam Speaker, I yield myself 6 minutes.

I rise to express my strong support for the Nation’s most important resolution before the House today. I am a proud veteran. I know what it is like to say good-bye to loved ones and be gone for a year, or 13 months, as in my case when I served in Vietnam.

I voted against authorizing the use of force against Iraq because I did not believe that the evidence provided by the administration, particularly the intelligence data, were sufficient to justify putting our troops in harm’s way. Combat should be the last option. I know; I have been there.

Over 3,000 American lives later, and tens of thousands suffering debilitating injuries, yet we are no closer to our Armed Forces. We all have constituents who have served bravely in Iraq and some have paid the ultimate price for this service, and we are forever grateful for that. We are grateful because these men and women put our freedom and our country before themselves. It is this affront to our ability to undertake the debate on this shallow, shortsighted resolution.

If the purpose of this resolution is scoring political points and playing politics—never, never, never—by this Congress but their mission, Sam Johnson is not alone in questioning the damage to the morale we may be doing to those fighting forces.

One of my constituents, a highly decorated Iraq war veteran, David Billavia wrote, ‘Each day . . . move(s) us closer to losing a winnable war and abandoning a worthy ally.’

Madam Speaker, for Congress to support this resolution gives encouragement to the jihadists and cuts the morale of our troops. In our global war on terror, we cannot show a lack of resolve because, as we know, after decades of attacks by these jihadists on our citizens, the World Trade Center in 1993, our embassies and the USS Cole, we know what a lack of resolve has meant. That lack of resolve hit us all when the jihadists attacked us again on the morning of September 11, 2001. That fateful Tuesday brought devastation to this country not seen since Pearl Harbor and, God willing, that we will never experience again.

The skies were thick with smoke, debris piled so high it brought to a standstill the city that never sleeps. Just days after the attacks, I stood on Ground Zero amidst the rubble, in anguish. I knew this was bigger than any political party, bigger than any one country. It is a global war on Islamic jihadism, and that war, as the jihadists have said, is now set in Iraq.

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goal of a secure and stable Iraq, and the situation there continues to deteriorate.

Our military families are paying a high price. There were a couple of articles in today’s paper that talked about current events in the war. I was struck by a common ground.

Well, I disagree. I think we find common ground because we care about not just our troops, but their families, our military families.

Madam Speaker, I would like to submit an e-mail from Sergeant Matthew Baeza.

Hello Sir, My name is SGT Matthew Baeza, currently I am deployed in Iraq in support of Operation Iraqi Freedom ’05-’07 with the 84th ESC (H) out of Fort Richardson, AK. I am an El Paso native, and have not been too big in politics although I did my fair share of Democratic rallies with my father Luis Baeza when I was in high school. I have met you on several occasions through my father as well as when we met on the steps of the Senate when I was on a High School trip to D.C in 1999.

My concerns are brought forward wholehearted. They do not concern El Paso, but it does concern El Pasoos all over the country who serve in the military and who are deployed in the theatre of operations.

Many of us in the military believe in what we do and I believe here is why we do it. The issues are not against our deployments but rather the length of our deployments.

You see, the Army is the only branch that will always deploy with a full 12 month rotation in deployments. Other branches have been cut to 6 months or even 3 months. I do realize there are certain elements in the other branches who serve a 12 month rotation like the Army.

The issue I have is that 12 months isn’t that difficult to pull the first time. But into your second and third deployments (some soldiers serving 4 deployments back to back) it starts to break the backs of even the strongest of families. Children are seeking counseling as young as 3 or 4 years old due to the absence of their parents, and if a marriage survives, most end up seeking help from chaplains or marriage counselors. Is that how they want Service Members and their families to live?

Out of a 5 year marriage, I will have been absent 3 years, and will only have known my son for 2 years. I return from his 3rd birthday. My marriage along with hundreds of other service members are quickly ending due to the amount of time absent from home.

I am not sure if surveys have been performed, but I can almost guarantee you the percentage of divorces have multiplied at an exponential rate. But yet talks of cutting percentage of divorces have multiplied at an exponential rate. But yet talks of cutting deployment times from five years to two years are brushed away as well as when we met on the steps of the Senate when I was on a High School trip to D.C in 99.

My concerns are brought forward wholehearted. They do not concern El Paso, but it does concern El Pasoos all over the country who serve in the military and who are deployed in the theatre of operations.

I want to read the e-mail that I got from Sergeant Baeza, a soldier who is from El Paso, not assigned to El Paso, but is from El Paso:

>Hello, sir, my name is Sergeant Matthew Baeza. Currently I am deployed in Iraq in support of Operation Iraqi Freedom. I am an El Paso native, and have not been too big on politics, although I did my fair share of Democratic rallies with my father, Luis Baeza, when I was in high school. I have met you on several occasions through my father, as well as when we met on the steps of the Senate when I was on a high school trip to D.C. in 1999.

My hero is home, and my life is once again complete.

We hugged, we kissed, we stared at the beautiful life we had created together.

When it was all said and done our run-leaf-hug maneuver was complete, we walked out of that AHA, hand in hand, with our worlds once again connected and our love once again tangible.

There’s no more counting down the days “until they come home.”

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>P SGT, EN Supply Sergeant.

[From the Fairbanks Daily News-Miner, Dec. 21, 2006]

A HERO, HOME AT LAST

(By Michelle Cuthrell)

After spending 24 hours a day for seven days a week for four weeks a month for 16 months of deployment learning how to wait, you’d think small increments of time like an hour and a half would just fly by.

But standing in that Alert Holding Area on Fort Wainwright’s Thursday night, 90 minutes felt like an eternity.

I guess patience isn’t exactly in large supply when you are anticipating the imminent return of your loved one.

Standing amid the other moms and dads and spouses and children who were also impatiently awaiting the arrival of loved ones, I found myself fidgeting.

I picked up Connor and then put him back down every five minutes, and I must have re-adjusted the belt and buttons on my black and red welcome home dress at least 50 times.

Every moment felt like another extension and every minute felt like another deployment.

I talked a million miles a minute, and I must have asked my friends at least 20 times if the soldiers had left Eielson Air Force Base yet to head to Port Wainwright.

I detested the anticipation.

I had so many emotions built up inside from 16 months of missing my husband like crazy and I was this physical longing stronger than anything else I’d ever known to just touch him, hug him and hold him.

Which is maybe why, when the Army band began to play and those three magic garage doors simultaneously began to open, I broke down into tears.

I cried as the nearly 200 soldiers disembarked the buses that transported them from Eielson as the crowd erupted in cheers and the families burst into applause. I wept as the soldiers made their formation on the far side of the room, and I sobbed as they made their way across that hangar-like area to their place in front of us.

And when their commander released them to their families, I broke down.

Soldiers toward us, frantically searching for their families, and in the crowd, I just couldn’t see my husband.

He wasn’t in the very front, he wasn’t in the very back, he wasn’t near his old commander, he wasn’t near anyone else I knew.

I was starting to panic, when all of a sudden, soldiers cleared a path, and for the first time, I spotted him. I literally lost my breath. My heart fluttered the way it did the first time I met my husband, and I started to cry that 18-year-old girl again as we made eye contact for the first time.

My heart dropped, and my husband beamed.

I’ve never run so fast with a child in my arms in my entire mommy life. I had tunnel vision as I trotted toward the man of my dreams and flung my one arm around his neck as he embraced the two of us with the biggest smile I’ve ever seen from a man in uniform.

He held us tight, told me through giant smirking teeth that he loved me and missed me, and then pulled away to look down at his son for the first time since he was 11 days old.

And in an act that I’m positive must have been from God, his (Matt) looked up at his daddy and smiled as if Matt had been a physical part of his life for all eight months.

I cried. Then I laughed. Then I smiled.

Then I shed another tear.

We hugged, we kissed, we stared at the beautiful life we had created together.

When it was all said and done our run-leaf-hug maneuver was complete, we walked out of that AHA, hand in hand, with our worlds once again connected and our love once again tangible.

There’s no more counting down the days “until they come home.”

My hero is home, and my life is once again complete.
branches have been cut to 6 months or even 3 months. I do realize there are certain elements in other branches that serve a 12-month rotation like the Army. Nonetheless, the Army uses a 12-month rotation.

"This issue is that 12 months is not that difficult to pull the first time. But into your second and third deployments, some soldiers serving with me back to back four times, it starts to break the backs of even the strongest of families. Children are seeking counseling. Divorce rates are rapidly rising due to the absence of their parents."

"And if a marriage survives, most end up seeking help from chaplains or marriage counselors. Is that how we want our servicemembers and their families to live? Out of a 5-year marriage, I will have been absent 3 years and will only have known my son for 9 months when I return in a few days for his third birthday."

"My marriage, along with hundreds of other servicemembers are quickly ending due to the amount of time absent from home. I am not sure if surveys have been performed, but I can almost guarantee you the percentage of divorces has multiplied at an exponential rate."

"But yet talks of cutting down deployments have been in the works for years, but no progress have we seen. The vast majority of armed services members are proud every day to put on our uniform and help others who cannot help themselves, but at what cost? At the cost of losing the ones we love, and at the end of it all we cannot place blame on our spouses. For they have been holding on longer than most could ever imagine. Our spouses run multiple lives, as my wife does. As a professional reporter for the local newspaper, a mother who is raising a family on her own, as a military spouse, as my wife, she has a lot to deal with. Bills, care for our family, and dealing with my calls from home, whether they be happy or sad. It is simply too much to ask from any one person."

"My wife is as strong as they come, but with the last 3 years, her patience has worn extremely thin. With us being away from home, many wives end up leaving their husbands, searching for a better life, or long-needed affection without a phone, or even to become their own person again."

"My message to you is something the other day that really hit me." And he quotes his wife: "No one knows who you are. They know Megan and they know Dominic and the guy that keeps calling on the phone. That is who we have become to our families, just a voice on the phone."

"I am not asking to get out of this conflict. We are doing well here. Plus the friends I have lost here would have died in vain. I cannot have that on my conscience. We are accomplishing here, but we are putting our families over it. We don't try to save the world, at least I don't. That is too much to ask of one person."

"But rather try for the ones closest to us, my son, and my wife, but when they are gone who is it for? Every day I am here I tell myself I do this for them. And others feel the same way. I am not asking you to change the way you vote or change your opinion and raise the flag for those of us that cannot, with your reputation and your influence, in helping us cut our deployments to shorter periods."

"We are not asking to leave Iraq or Afghanistan to cut my time away from home. When you start stacking deployments on top of each other, families get broken. When that happens you get servicemembers who cannot perform."

"At what cost when your life is failing apart?"

"Signed, Sergeant Baexa."

"Madam Speaker, that is what we are doing to our military families. That is what this resolution is about. It is about having the Iraqis accept responsibility for their own country and for their own responsibility and taking care of themselves. That is why we are doing this."

"Mrs. WILSON of New Mexico. Madam Speaker, I yield 5½ minutes to my colleague from Texas (Mr. BRADY)."

"Mr. BRADY of Texas. Madam Speaker, watching television late last night I was reminded of the vivid contrast between Congress and the war on terror. On the one channel I watched Members of the House theatrically debating this nonbinding, that means pretend, resolution, while the other channel showed an American chopper hit by a rocket-propelled grenade and billowing black smoke, falling in the death spiral to the ground, killing all American soldiers aboard."

"Tonight our soldiers face real bullets and real explosive devices; we debate a pretend resolution. I wish I could say this is merely a waste of time, but it is an indicator of where we are headed. We have no will, no backbone, no strength to keep our word."

"The world saw our lack of will in Vietnam, they watched us run from Somalia, and today they see our backbone disintegrate over Iraq. They watched us for a quarter of a century, we wished away the terrorist attacks in Khobar, the USS Cole, and the first World Trade Center bombing."

"Finally it hit home and already some in Congress are flying the white flag. Think, Nations like Iraq and Afghanistan who oppose terrorism are faced with a choice. They can live with terrorists among them or live in a free society with the protection and the backing of the world's greatest democracy. That is us. With their lives and the future of the line who will they choose? Is it not sad that today the world has just about decided that America will not keep its word, America cannot be counted on?"

"Terrorists know that while they can never hope to defeat our military on the battlefield, they are assured if they just hold out, they can defeat us in Congress one opinion poll at a time. This is a test of wills, and whether we got here for the reason you agree with or not, it is a test. I believe we are here for the right reasons, and it is incredibly naive to believe that all of the terrorist organizations in the world were conveniently gathered in Afghanistan, like a Rotary Club."

"We are wrong to pursue terrorist safe havens other than those that harbored al-Qaeda. We should not pursue drug cartels other than the ones we believe smuggled in the drug that destroyed your child."
Due to technology and financing, terrorists are not limited to states and regions, and we have to pursue them. But whether or not you agree with how we got here, we are there in Iraq. And the nation of Iraq and our Nation have everything riding on the line. Eliminating them was to succeed when they gave up. If we fail in Iraq, we sentence our children to a lifetime of fear, of fear of going to the mall safely, going to work each morning and returning home safely, the fear of going with friends to a sports stadium without being torn apart in an explosion.

If we believe the price of war is high, wait until we endure the price of terror here in America. Our soldiers are giving their lives, what are we giving them? A resolution.

Mr. SPRATT. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise to urge strong support of this bipartisan resolution that expresses disapproval of the President’s escalation of troops in Iraq. In October of 2002, I stood on this floor in this House and voted against giving the President authority to wage war in Iraq. And I did so because I strongly believed that Congress should not abdicate its war powers and hand over to the President a blank check on the war.

I also recognized, having served on the Armed Services Committee and on the Terrorist Task Force prior to 9/11, that the evidence was not there. I may not agree with how this war has been handled, but I, along with everyone here and all of my colleagues on both sides of the aisle, are for our troops. It is our servicemen and -women who are making a great sacrifice on the battlefield on behalf of all of us here in this Chamber and everyone across the United States.

And they, the troops, all deserve our unequivocal support. This war is creating a new generation of veterans and a new generation of needs for them. Today, over 25,000 both dead and wounded have been reported, while this body continues to appropriate billions of dollars to the administration for this war.

Let us remember our veterans and the cost to fulfill the promise that we have made to them for medical care. Today, the issue is not whether we were right or wrong to grant the President such broad authority in regards to this war in Iraq, but instead how he has exercised that power, what the results have been, and what his plans are for the future.

We are now entered the fifth year of this war. And I ask you, what progress have we made? What is our exit strategy? It is not a new question. It was a question that was raised from the very beginning when we went into this war, and when we raised it in the Armed Services Committee. This war and the reckless strategy behind it have cost us Americans some $532 billion, and over 3,100 American lives, as well as over 3,000 wounded.

It has resulted in increased sectarian violence and an uncertain future in Iraq. Madam Speaker, I think most of us here know that we need a new direction, and a new direction is justified. I can assure you that American people want a new direction.

But what the President has offered to them is more of the same. The President is now asking for a massive escalation of over 20,000 troops. The escalation plan will not work, just like the previous troop surges that we have had have not worked. Madam Speaker, the American people have asked and have had enough. And with an up-and-down vote on this resolution, this Congress will not send a message to the President regarding his misguided policy, but also send a message to the American people that their Congress is listening, it is here, and it is calling for a new direction.

I oppose this escalation plan because more troops in combat means more casualties and more loss of American lives. I have been to Walter Reed Medical Center, and I have seen our injured young men and women coming back from the battlefield. I have seen the sacrifice of what this war has done to our families and our loved ones.

Earlier this week, my office was visited by Mr. Jim Goodnow. He is a veteran from my district and an active member of the Veterans for Peace. Mr. Goodnow has traveled all over the country from his home base in Terlingua, Texas, aboard his bus dubbed the Yellow Rose. He has been spreading the message of peace for many years.

Mr. Goodnow is not alone. And with this resolution we want to make it clear that this Congress and America and the American people have had enough. No more blank checks, no more violence, and no more escalation.

Madam Speaker, it is time that we stand by our country and stand up for our troops. I strongly urge my colleagues to support this bipartisan resolution.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Texas (Mr. McCaul).

Mr. McCaul. Madam Speaker, I rise today in support of our troops and in support of victory in Iraq.

It is hard to ignore the inconvenient truth that this ill-timed measure will aid the terrorists and depress the morale of our troops and will be fighting to defeat them. It also sends a wrong message to our troops at exactly the wrong time. They are carrying out their mission, as I speak, while we here in the Congress are condemning them.

It amazes me that at the same time General Petraeus was confirmed by the Senate, this resolution was introduced condeming his counterinsurgency plan for victory.

Never in our history has this country sent a war leader into battle, while condemning the very mission that he and the Armed Forces will be leading.

Make no mistake, this resolution is the first step towards cutting off funding for our troops. As a consultant to the Iraq Study Group, I supported the findings that failure is not an option, and that a troop surge is necessary for security and stability. I also supported the recommendation that a political and diplomatic surge is essential for peace.

The time for evaluating the success or failure of this endeavor will come soon enough, but now is not the time to be sending a message to friend and foe that we no longer believe in the mission.

But many in this country and many in this Chamber insist it is in America’s interest to surrender and retreat from our obligation to help Iraq build a democracy.

Recently, the ambassadors from Jordan, Egypt and Saudi Arabia told me that “if the U.S. fails here, it will be catastrophic. We are in this together. They will come after us and then they will come after you.” And then they will come after you.

Recently, after meeting with them, I had to say to myself, how will history then judge us; that when we stood at the brink, we chose retreat over advance, surrender over victory, and defeatism for our children and for future generations?

Let us remember the words of President Kennedy, when he said: “Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty.”

Where is the party of President Kennedy today? This resolution sends a clear message across the Islamic jihad world that we will not bear any burden, that we will not oppose any foe, that we have lost our will, that they have won, and that they can come and they can take it.

I believe Abraham Lincoln summed it up best by saying that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain.

As Members of Congress, the most sobering job that we have is to comfort the families left behind in a time of
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great loss and a time of war. I have stood by, like many of my colleagues, to honor those who have paid the ultimate sacrifice for freedom. We all stand here today indebted to those brave Americans and their families.

And because we honor those whose families cannot speak on the floor of the House, I would like to share some of their words here with you today. And these are the words of Janet Norwood, a constituent, a Gold Star Mother, whose son, Byron, was killed in Fallujah while serving in Iraq. And she said: In the past I have always had great hope for this country. But, for the first time, during the State of the Union address last month, I had real doubts. I had doubts about our winning this war on terrorism. She said, When President Bush used the word “this war on terrorism,” only half of the room stood to applaud. My heart sank. It was obvious to me at that moment that party affiliation was more important to some than victory over evil and the sacrifice our son and other sons have made.

Well, to Janet and all the other Gold Star Mothers, I say, I couldn’t agree more. And as Abraham Lincoln said, a house divided cannot stand.

September changed our lives forever. But the war on terror started long before that. The year 1979 changed the world. When Iran took our embassy hostage, the seeds of Islamic jihad were spread all over the Middle East.

These seeds planted hatred and contempt for freedom in the souls of men like Osama bin Laden. In 1983, they murdered our marines in Beirut. In 1993, Ramzi Yousef and his al Qaeda associates bombed the World Trade Center. They were supposed to fail that day, but that day would come later.

They struck the Khobar Towers in 1996. They bombed our embassies in Africa. They defeated us in Somalia. And they deliberately attacked the USS Cole.

Each time we failed to respond. And then came September 11. It was as if the United States was a sleeping giant. And not until the bloodiest alarm of 9/11 did the giant finally awake. And America cannot afford to go back to sleep again.

“It is hard to ignore the incontrovertible truth that this ill-timed measure will aid the terrorists and depress the morale of our soldiers who are fighting to defeat them.” It also sends the wrong message to our troops at the wrong time. They are carrying out their mission as I speak, while we here in Congress are condemning it.

The time for evaluating the success or failure of this endeavor will come soon enough, but now is not the time to be sending a message of friend and foe alike that we no longer believe in this mission.

It amazes me that just as General Petraeus was confirmed by the Senate, this resolution was introduced condemning his counter-insurgency plan for victory.

“Never in our history has this country sent a war leader into battle while condemning the mission that he and the armed forces he will be leading have been asked to complete.”

Make no mistake; this resolution is the first step towards cutting off funding for our troops. As a consultant to the Iraq Study Group, I supported the findings that a troop surge is necessary for security and stability. I also supported the recommendation that a political and diplomatic surge is essential for victory. But many in this country, and many in this chamber, insist it is in America’s interest to surrender and retreat from our obligation to help Iraq build a stable democracy. They say that, knowing full well the consequences of an early American withdrawal.

And what are those consequences—Chaos. Instability in the region. A threat that America has never seen before. A threat that we will not be able to blindly put our head in the sand and wish it to go away.

Al Qaeda has openly said that they consider Iraq the central front in the “Third World War.” Their goal is to create a Caliphate with Baghdad as its capital. Their plan is to conquer the rest of the world and force all humanity to submit to Radical Islam. The National Intelligence Estimate released last month stated, “If Coalition forces were withdrawn rapidly ... this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq.”

Our allies agree. The ambassadors from Jordan, Egypt and Saudi Arabia recently told me, “If the U.S. fails it will be catastrophic. We are in this together ... we will come after you and then they will come after you.”

How will history judge us then? When we stood at the brink we chose retreat over advancement, surrender over victory, and defeatism for our children and for future generations.

Let us remember the words of President Kennedy when he said:

“Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.”

Where is the party of President Kennedy today? This resolution sends a clear message across the Islamic Jihad world—that we will not bear any burden—that we will not oppose any foe—that a significant increase in the scale and scope of sectarian conflict in Iraq—the US. will not be leading have been asked to complete.”

We are better than that.

We are Americans—the same Americans who defeated the most powerful country in the world at the time to win our independence. We are the same Americans who defeated Fascists in Japan, Germany and Italy. We are the same Americans who defeated the scourge of the Soviet Union, liberating millions more.

Now we face yet another challenge—defeating the jihadists and an ideology of hate. But our colleagues on the other side of the aisle say “We will support the War on Terror, except where the terrorists have chosen to fight.”

Our previous struggles were not easy, they were hard and required great sacrifice. Yet all of these challenges were met, and victory was won, and the world is a better place because of it. This struggle is the same. If we give up now, we betray not just the Iraqi people, and not just our place in history, but those who have paid the ultimate sacrifice.

I believe Abraham Lincoln summed it up best by saying:

“... that from these honored dead we take increased devotion to that cause for which they gave their lives, that we here highly resolve that these dead shall not have died in vain...”

As Members of Congress, the most sobering job we have is to comfort the families left behind in a time of great loss, in a time of war. I have stood by, like many of my colleagues, to honor those who have paid the ultimate price for freedom. We all stand here today indebted to those brave Americans and their families. They are true heroes.

Because those heroes and their families cannot speak on the Floor of the House, I would like to share some of their words today.

These are the words of Janet Norwood, a constituent and Gold Star Mother, whose son Byron was killed serving in Iraq. She said:

“In the past, I have always had great hope for this country, but for the first time, during the State of the Union address last month, I had real doubts. I had doubts about our winning this war on terrorism. When President Bush used the word “victory” and only half of the room stood to applaud, my heart sank. It was obvious to me at that moment that party affiliation was more important to some than victory over evil and the sacrifice our son and others have made.

To Janet and all of the other Gold Star Mothers, I say, “I couldn’t agree more.” As President Lincoln once said, “A House Divided Cannot Stand.”

Mr. TIERNEY. Madam Speaker, in just a few weeks, America will begin its fifth year in the Iraq conflict. In that time, 3,117 members of the United States military have died, and over 23,000 American soldiers have been injured. $532 billion has been appropriated by Congress or requested by the administration.

You only need to talk or read letters from many of the returning military personnel or their families to understand that the mission in Iraq is unclear and the goals remain undefined. Our men and women are not certain if they are fighting Sunnis or Shites, and often it depends on who they are in order to determine the answer to that dilemma.

In essence, our military personnel are in the midst of a civil war, the flames of which were fanned by centuries-old animosities. This week Congress has been addressing a resolution that reiterates its support for the troops and states clearly its opposition to escalation.

The first point could easily go unspoken. After all, we are exercising the very freedom of speech and debate that our Constitution requires, the public demands, and our men and women in uniform serve to protect.

The second point speaks to the clear determination, as evidenced on November 7, 2006, that America does not support the President’s planned escalation of this conflict.

Three previous troop buildups have already proven unsuccessful. In the first, from November 2004 to January 2005, troop levels in Iraq increased by about 18,000 troops. They did that in advance of the Iraqi elections held on January of 2005, and the number of daily attacks by insurgents rose to 61 from 52 the previous month, an increase of 17 percent.
On the second troop buildup, from June 2005 to October 2005, troop levels increased by approximately 21,500, and the number of daily attacks by insurgents in October of 2005 rose to 90, from 70 just 2 months earlier, an increase of 29 percent.

And the third troop buildup occurred from May 2006 to November 1 of 2006 when U.S. troop levels in Iraq increased by approximately 17,500 troops, and the number of daily attacks by insurgents in October of 2006 rose to 190, from 180 six months earlier, an increase of 5 percent.

Now the President says he want to change course, but once again he proposes to only stay the course as he seeks to send in more personnel, and we still wait for the Iraqi forces to stand up.

Madam Speaker, 132 of my colleagues and I exercised the correct judgment in October of 2002 when we voted against the war in Iraq. We recognized then that the administration’s claims that Saddam Hussein posed an imminent and direct threat to the United States were hyped up and many rightly foresaw that an American occupation of Iraq would, as one colleague recently said, ‘‘without determined length, an undetermined cost and undetermined consequences.’’

Tragically, this administration was not deterred. It has been flat wrong on pretty much all of its pre-war and subsequent war with respect to Iraq, with its questionable use of intelligence, its failure to plan, and its failure for far too long to protect our troops once they were there.

We knew then what has become painfully obvious since, that rather than open a new front and destabilize a new area in Iraq, we should have secured Afghanistan and addressed terrorism at its source as it was embodied by Osama bin Laden and others. The proposed escalation is not the answer.

Why, after such a debacle and such a failure, do we all think to follow the advice of the bipartisan Iraq Study Group, and we will also hold enforcement of troops is recommended by the Secretary, recommendation from the bipartisan Iraq Study Group, and a new general, General David Petraeus. He will lead our troops on the ground in Iraq.

Madam Speaker, I rise today in a different position than the majority of this body. You see, I am one of the 54 newly elected Members of this Congress. We do not have the opportunity to debate and ensure its security, while it provides for a platform to redirect the necessary attention to the unfinished business of Afghanistan and focus, Madam Speaker, our efforts on terrorism, both short term and long term.

I urge my colleagues, Madam Speaker, to support this resolution and take what I expect will be the first step in charting a new course in Iraq.

Mr. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Madam Speaker, I thank the gentleman for yielding and for her service to the country.

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Madam Speaker, I want to have an honest debate, not for political gain and not one that questions anyone’s patriotism, because I believe everyone in this body wants to serve this country in the right direction.

But I believe the right direction means that we move forward, not backwards. On this floor today is a non-binding resolution that would put us backwards. This resolution offers no hope to the American people. It offers no plan of action, no new strategy with the prospect of achieving success.

What would generations of Iraqis be capable of, without American troops providing stability in the Middle East? We do not have the opportunity to debate and ensure its security, while it provides for a platform to redirect the necessary attention to the unfinished business of Afghanistan and focus, Madam Speaker, our efforts on terrorism, both short term and long term.

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resulted in the deaths of over 3,000 of our bravest military men and women. These men and women enlist in the Armed Forces trusting that their Commander in Chief will send them into harm’s way only as a last resort and only after careful planning.

Madam Speaker, on both of these counts, the President has failed our soldiers.

It is time for us to redeploy our troops and redeploy them now. We have an opportunity to send a loud and resolute message to the President that his misguided judgment must cease, this war must now be subject to intense scrutiny and accountability by this Congress; and that he must heed the will of the American people, the overwhelming majority of whom now strongly disapprove of his handling of this war. Sadly, however, this President is tone-deaf when it comes to the most pressing issue of the day.

For the past 4 years, the President repeatedly stated that troop strength in Iraq would come from recommendations by generals on the ground. Yet by moving forward with his escalation plan, the President is ignoring solid military advice. General Abizaid, CENTCOM commander, stated: "I do not believe that more American troops right now is the solution to the problem. I believe that the troop levels need to stay where they are." Additionally, according to various reports, General Abizaid repeatedly relayed to the NSA Director his warnings that to send more troops to Iraq would be counterproductive. He believed it might make the Iraqi Government less likely to defend itself.

That concern was shared by the Iraqi Study Group. In one of their recommendations they stated that the Iraqi Government must make substantial progress on national reconciliation, security, and governance. Without this progress, it would reduce our political, military, and economic support for the Iraqi Government.

Tragically, the Iraqi Government has shown no progress on any of these fronts. We must not be a security blanket for an ineffectual government. But the President’s escalation plan is exactly that, asking little of Iraq’s Government while putting the lives of our soldiers squarely in the crosshairs of Sunni extremists and Shiite militias.

Many of our colleagues have stated that the solution to the Iraqi quagmire at this point must be 80 percent political and 20 percent military. This escalation plan is 100 percent military with no significant political breakthroughs either having been reached or even on the horizon. Rather than implement a rigorous diplomatic strategy, the administration has instead begun escalating the rhetoric with Iran, causing many people throughout the Nation and the world to fear another misguided military action.

Our soldiers have done everything that has been asked of them, and more. They have served bravely and honorably. They have trained Iraqi forces to the best of their abilities. But they cannot be asked to calm the sectarian violence ripping Iraq apart without leadership from Iraqi politicians. Yet the President is asking exactly that.

Last year, after visiting Iraq, I called for a phased redeployment by the end of 2006. That time has come and gone. Today I call on the President to finally listen to the American people. Today I call on the President to finally listen to the Congress and to broadcast to our enemies and demoralizing our troops. It is now time to move our troops out of the middle of this civil war.

I urge my colleagues to support this resolution and send a clear message to the President that the time for this war is over.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 3 minutes to my colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, whether you are for or against the war in Iraq, whether you think the administration has done a good job or not, none of that, Madam Speaker, is the subject of this resolution. The issue that we are here debating today is whether or not we support the reinforcements that the Commander in Chief has sent to Iraq.

At the request of the commanders on the field, the Commander in Chief made the decision to send the reinforcements to Iraq. Many of them are already there, Madam Speaker. Those fine men and women have already been sent to Iraq.

The tragic effect of this resolution is to sabotage the morale of our troops and to broadcast to our enemies that Congress does not support our soldiers’ mission.

Our Nation’s troops are the bravest and most dedicated men and women on this Earth. They are risking their lives every day to preserve our freedom and to ensure the safety of all Americans. They are not letting us down. We cannot let them down.

Again, Madam Speaker, the issue here is not whether you support or you oppose the war. It is whether you support our troops.

Every American, Madam Speaker, every American should agree that it is in our Nation’s best interest to ensure that Iraq does not fall into the hands of terrorists or dictators like Iran. The consequences of that happening, the consequences of that happening, would be catastrophic for the region, for our allies in the area such as Israel, Afghanistan, Jordan, Egypt, and others, and for the United States of America. We cannot pretend, we cannot pretend, that this ill-timed resolution expresses anything other than a rejection of our troops’ mission.

Our troops deserve much better than this. What our troops deserve, Madam Speaker, is an unwavering support. I refuse to let them down, and that is why I will be voting against this resolution.

Mr. SPRATT. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I thank the gentleman for yielding.

I rise in support of this resolution. Let me say, Madam Speaker, that is what we are working on with the Iraq Study Group, and the Members of this House of Representatives, no matter where we stand on this war, no matter where we vote on this resolution, we are going to make sure that the brave young men and women who continue to put all the care and all the support they need from a grateful Nation. We will show what support of the troops means when they do come home.

Now, those who voted for the war back in 2002 are sometimes asked, Knowing then what you know now, how would you have voted?

Well, Madam Speaker, we knew then what we know now, and we know now what you are going to know a year or two from now.

Let me read to you what I said 4½ years ago when we had the debate on Iraq: “I rise in opposition to this resolution to grant unilateral authority to the President. I cannot believe that the Members of this body are ceding our constitutional authority to the President. And they can give me all the fancy whereases and phrases and put all the fig leaves and write all the report language they want, but this is a blank check. This is a Gulf of Tonkin resolution not only of our Constitution but will lead to a violation of the U.N. charter.

‘Wake up, my colleagues. Why would anyone vote to do that? That is not our constitutional responsibility. And when we vote on this resolution, will America be safer? No, I think America will be less safe. We will dilute the war against terrorism. The destabilization of the area will lead to the increased probability of terrorists getting nuclear weapons. Al Qaeda is probably especially cheering the passage of this resolution. Now is their chance to get more weapons.” I said that then.

Then we talked about the imminent threat. You guys threw the imminent threat at us. What a lie. And what are you saying now? We are emboldening our enemies and demoralizing our troops. I heard the word “sabotage.” I heard the word “retreat.”

I will tell you what demoralizes our troops the most. I mean our colleagues. What demoralizes our troops will be the failure to provide adequate health care when they get home. What demoralizes our troops is the story of just a couple weeks ago when a young man went to a VA hospital in Minnesota suffering from PTSD, and they said, You have got to go on a waiting list. And this young man committed suicide. That is what demoralizes our troops. That is what we have to prevent here, and that is what we are working on with the Iraq Study Group.

I said back in 2002: “I have heard all my colleagues on the other side calling us appeasers, those who are going to vote against this resolution. We are
wishful thinkers. We have our eyes closed. We sit on our hands.” And, of course, now we want to cut and run.

Well, I tell you, Madam Speaker, no one on this side is suggesting cutting and running. Making peace is hard work. Just ask Dr. Martin Luther King, Jr. Ask Nelson Mandela. They didn’t cut and run. They were peacekeepers. And they changed the history of this world.

So let us not hear talk of retreat and sabotage and surrender. We want action for peace. We want it now, and I want the United States to be part of that action.

I said also in 2002, Madam Speaker: “There is a whiff of Vietnam in the air. I had a constituent call me and say, ‘You know, if you enjoyed Vietnam, you are really going to love Iraq.’ The mail is running 10–1 against this war. Protests have already begun around the Nation and around the world.”

I said to the President then that you are my office as a unit, not a divider. Yet we have gone down the road to division in this Nation. You can see it. You can smell it. You can hear it. And we are going to get more.

“Stop” us not go further down that road, Mr. President. Rethink this policy. A country divided over war is not a country that is going to make any progress. Let us have a rethinking of this war.”

That is what I said in 2002. You guys didn’t want to listen to us then. The President didn’t want to listen to us then. You really should listen to us now and listen to the people of America who voted in 2006 to change this policy.

Let us respond to the American people. Let us vote against escalation. Let us begin to bring the troops home.

Vote “yes” on this resolution.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to a War Tour from Pennsyl-

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I want the American men and women serving in Iraq to come home. I want this war to end. I want the violence to stop, the injuries to stop, the deaths to stop, and I also want terrorism to stop.

Over the last few weeks, many of my constituents told me these same feelings, their strong feelings in support of or against this resolution. I hear your concerns. No one can doubt your love of your country. Like you, I am deeply concerned about the direction of this war. Like you, armed with the knowledge of the present, the strategy of the past were too often in-

The comments made here today on this resolution will be listened to by Iraqis and al Qaeda and the soldiers in the field right now, the marines on the high road, the soldiers of the thousands who already are on the offense. Here is my message to them: Arab countries have told us that if we

left now the results would be catastro-

I want those Arab countries to impress upon the Sunnis and the Shias the absolute need to work for peace now. I want the United States to actively engage in diplomatic efforts with all Arab nations. There is no more time for lip service and military to step up and take over combat operations, to be the tip of the spear, and for our troops to shift our mission to training and support. I want to see the Iraqi Government stand strong here; that there must be a timeline. Their military gear and encampment offer some protection, but the threat of life-changing physical and mental wounds is constant. So is the challenge to always be prepared, to make life and death decisions in a split second. A grueling situation for sure.

However, even with their pride, honor and dedication motivating them patrol after patrol, bad morale—especially when fueled back home by demonstrations and political grandstanding—can bring down even the toughest warrior. As a Vietnam veteran, trust me—it cuts deep.

Regardless of where you stand on the current War on Terror (The Veterans of Foreign Wars does not take sides in debates about military action), troops get the message that they are wasting their time when politicians and citizens make headlines criticizing military action.

As the debate about the War on Terror con-

I urge citizens and politicians to stay focused on providing our troops with all of the combat equipment, supplies, and per-

I want the soldiers and airmen from the 171st, the 90th, and the 111th in Pittsburgh, and all our National Guard and Reservists and active duty to come home. I want their families to be able to embrace them, their children to be tucked in at night by them and our towns to be able to show the affection of a grateful Nation. But while they are there, while they stand sentry with eyes on the horizon, ride in their convoys or walk on patrol, I want their minds on the critical task of that moment.

I spoke this week to the mother of a soldier who was just killed in Iraq, Russell Kurtz. A finer and a braver man you will not find. I asked her what she thought about this discussion of sending more troops to Iraq, and she said, “I would rather have more troops there helping my son.”

Dom DeFranco, the Pennsylvania Command-
we disengage our forces from a direct military role, except to deny haven to al Qaeda. We must place responsibility directly on the Iraqi government. At this very late date, virtually everyone agrees that peace and stability for Iraq are most urgent, militarily, but only politically. Our best chance for a positive outcome to this tragic and unnecessary war is outlined and unanimously recommended by the Iraq Study Group, led by former Secretary of State James Baker and former Congressman Les Aspin.

We should substitute a robust, multifaceted diplomatic campaign to discourage all of Iraq’s neighbors from engagement in the growing civil war and to gain support and assistance for a stable, unified Iraq. That diplomatic campaign must involve major powers and regional groups like the European Union and the Arab league, along with all of Iraq’s neighbors, without exception or precondition. The U.S. should always be willing to talk at any time, talk is far less costly than war.

In a month, the war in Iraq will have gone on 4 years, well beyond our participation in World War II. It is time to begin bringing our troops home.

Mr. WILSON, of New Mexico, Madam Speaker, I am pleased to yield 5 minutes to my colleague from Ohio (Mr. HOBSON).

Mr. HOBSON. Madam Speaker, I want to begin by saying that last night when we held the floor debate, my colleague from Connecticut, CHRIS SHAYS, gave one of the best speeches on the subject of Iraq. It was a comprehensive overview of the current situation, and I agree with his views on this debate, and I would like to associate myself with his comments. I hope that my colleagues and those who are following this debate will take a moment to read his remarks.

Like Mr. SHAYS, I rise in opposition to this resolution. This is the wrong resolution to be considering if we in Congress are supposed to be fulfilling our responsibility to provide oversight on how this war is to be conducted. Rather than debating the so-called surge, which is actually taking place, we should be debating how to put policy in place that will bring stability and ensure the security of the American people.

Admittedly, the administration has made mistakes in the execution of this war. Many of us, both Democrats and Republicans, have been telling them that from the beginning. Among a number of things that we have been saying has been that they had enough troops to win the war, but they didn’t have enough troops to win the peace. But we can’t correct those mistakes. What we can do now is to find a strategy on how best to go forward.

So the question becomes what can we do now that gives the Iraqis the best chance to take control of their country, while also allowing our troops to return home with honor? We owe it to the parents and the families of the men and women who have fought and lost in this war to let their lives be lost in vain. That is the message that I have heard many times when I have met with those families in my district and I think that many of my colleagues have also heard.

Last month, I went on a bipartisan congressional delegation trip to Iraq, Afghanistan and Pakistan. While we met with the U.S. troops and commanders, we also had a chance to meet with the leaders of those countries, including the prime minister, al-Maliki. He told us that if his country had the command and control equipment and our backing, the Iraqis could begin to take over their own security in 3 to 6 months and that we could begin to redeploy up to 50,000 of our troops.

Madam Speaker, we need to make sure that Prime Minister Maliki has the tools and resources to do just that. For example, as several of my colleagues already mentioned, the bipartisan Iraq Study Group supports a short term surge of American combat forces to stabilize Baghdad. This is being done. The group also recommended that there be more diplomatic outreach in the region to include countries like Egypt, Saudi Arabia, Kuwait, Syria and even Iran, and this needs to be done by the administration.

Further, it is imperative that our U.S. troops begin to transition from a combat role to one focused on training, counterterrorism, force protection and controlling Iraq’s borders.

My colleagues, the world is watching. Our friends, our enemies are watching as these troops go home and we must do what is best for the American people.

What kind of message are we sending when we engage in debate that is essentially a political exercise, rather than one that is on substantive strategy on how to bring stability to the region?

This is a hard decision, except defeat, but we must insist on making the changes necessary so that the Iraqi people can take the fate of their future in their own hands. There is a phrase that has often been repeated since the beginning of this war, ‘‘throw our lot in the hands of an unwinnable war.’’ I believe that that is what the American people deserve.

Mr. HOEVEN. Madam Speaker, as I understand our military role in Iraq, it is to provide support, to provide equipment and training so that the Iraqis can take control of their country, that the Iraqis can take control of the future of their country. Anything less than that, I believe, is a mistake. If we were to simply withdraw from Iraq, the true and the actual gains that we have made in Iraq would be lost. That is not in the best interest of the American people.

Mr. WASSERMAN. Madam Speaker, I am a member of the congressional delegation that visited Iraq this past month, and let me add my voice to a significant number of other voices here in our Congress that believe the American people are committed to the success of the strategy laid out in the Iraq Study Group, which is the idea that we must work with the Iraqi government to help them stand up, support the American forces who are there, and begin planning for our gradual withdrawal from Iraq. We must not simply settle for a political withdrawal, for a withdrawal of our forces simply because the political situation in Iraq has changed. We cannot simply give up on the objectives of the American people in the war in Iraq.
Again, I urge my colleagues to oppose this resolution.

Mr. SPRATT. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Madam Speaker, I am here today to support the resolution.

Madam Speaker, I won’t spend a lot of time assessing the blame and the responsibility for the quagmire that our Nation finds itself in in Iraq, but I do find it curious during this debate that the opponents of this resolution want us to believe that the history of the Iraq war begins today, that it has no past, that it has no consequences, just a doubtful future. This head-in-the-sand attitude, while politically expedient, denies reality and truth.

Rest assured that history will not be kind to the decisionmakers and the decision of this war, nor will it be kind to a Congress that looked the other way.

The resolution before us today is a first tentative step toward the removal of our troops from Iraq. The escalation proposed is another desperate act opposed by the American people and former military leaders.

The resolution does not demoralize our troops, nor does it embolden the insurgents. To the contrary, this resolution offers hope to our troops that an end is in sight and that their elected representatives in this House are not passing on their authority regarding the most important issue confronting our Nation today.

I personally know families whose loved ones have been lost, badly injured or profoundly intangibly affected by this war. Our commitment should be to those families and veterans who need our full measure of support. Our gratitude should be measured in real resources for veterans, and not empty platitudes and political rhetoric expropriated to justify an irreparable failure in Iraq.

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The focus of this debate is not centered on our soldiers who are nobly doing their duty and following their orders. It is directed at those who set policy and who have produced a war without end, with no plan of success or exit, with no international strategy, who now turn to a desperate and doomed escalation that only reinforces the failure and the desperation of those policymakers.

Rest assured that the civil war in Iraq will not end with the influx of more American troops. I do believe this resolution should have teeth. We must send a message that binds all of us to real action, an unflinching message of opposition to the escalation and a message of support for our troops. Today marks a step in that direction.

And I wonder, how many ways can the American people tell this Congress to actually end the loss of life and treasure in the war in Iraq? Weren’t the elections that just happened a strong message? Isn’t the loss of confidence by the public in their elected officials a strong message? Isn’t the sacrifice and valor of our men and women fighting this war deserving of the respect of this government? Don’t we have a duty to those men and women to protect them, reuinte them with their families immediately, and, above all, share the truth with them, that the question is no longer if we get out of Iraq, it’s how and when.

The answer to that question for me and many other families is, the sooner the better. I stood here and read the last poll after a poll about the public’s overwhelming opposition to this war and even more overwhelming opposition to this escalation. But as I think about it, the most important poll for those of us who serve in Congress needs to be our conscience. The resolution before us is simple and direct. It speaks in a very clear way to the frustration we all feel about this misadventure in Iraq. And I said I would not be laboring the point, but it is important to address the obvious.

Remember weapons of mass destruction? None found.

Remember the links between Iraq and the attack on 9/11? It didn’t exist.

All the money in Iraq, misappropriated dollars. That was ignored by the administration.

“Mission Accomplished.” What a premature political hype was.

And a strategy for Iraq. It doesn’t exist.

Funds for education, health care, our cities and towns, investments in our people here in this country, that has all been spent in Iraq.

The litany of failures and untruths goes on and on. The lack of leadership by this administration requires, no, I think it demands that this Congress assert its constitutional duty to check and balance this administration by beginning with the important step of passing this resolution.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 4 minutes to my colleague from Texas (Mr. HALL).

Mr. HALL of Texas. Madam Speaker, first and foremost, I stand and I hope we all stand in support of our troops. But I also rise today in opposition to H. Con. Res. 63. While I believe that we all share the same goal of winning this war on terror and bringing our brave young men and women home, I regret that this bill before us today absolutely will not lead to that goal. Nobody wants this war to end more than those fighting in it and we need now to do what it takes to bring our brave men and women home, but to bring them home in victory. If we don’t achieve victory, the consequences are going to be disastrous for the progression of freedom all over the world, and instead of taking a step forward, we would be taking multiple steps backward.

So what is the point of this resolution? Is it going to block the troop surge? Absolutely not. Will it end the war? Not a chance. Will it help our chances of achieving victory? Absolutely not. This resolution will demoralize our troops who are sacrificing themselves for us today and tomorrow, and this resolution will give comfort to our enemies. This resolution speaks in a very clear way to the lives of our brave soldiers and there is no way in the world that I can support it. The only chance we have for victory is to support the President’s troop escalation. It’s not a sure thing, but it’s the best chance for victory. These added troops will help us secure Baghdad, stabilize the area, and accelerate the training necessary for the Iraqis to stand on their own. Only after these things happen can we leave Iraq the way we should and that is victorious.

I fully support our Commander in Chief, and I think he has much more information than I have or any other Member or combination of Members in regard to our war on terrorism, and particularly the war in Iraq. I think President Bush is a godly person, intelligent and educated, and cares for this country and cares for those who defend it. I will continue to support him as long as he holds the title of Commander in Chief of the Armed Forces of the United States of America. I heard the President loud and clear in his State of the Union address on January 29. What I gleaned from his speech is that he is asking for calendar year 2007 to complete the existing plan being implemented by General Petraeus and those who serve under him. And at such time, he fully expects the Iraqis to be in a position to defend their borders and protect their people, resulting in an executive order hopefully to bring the process of withdrawal of these American forces still defending our Nation, to bring them home.

This resolution would absolutely undermine the efforts of our troops in Iraq. I strongly oppose it.

Mr. SMITH of Washington. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding.

Madam Speaker, I don’t have prepared remarks. I have been listening to this debate for the last couple of days, and everything that can be said on both sides has been said repeatedly. And thus far the only thoughtful argument I have heard to vote for this resolution is that somehow it will demoralize the troops. That pretends that the troops live in a bubble and don’t know what is going on and just never think. Everybody who has done any discussions or any polling of the troops today told me that this war is over. It’s not a military defeat. To put it that way is ridiculous. No one can defeat our military. It is absolutely undefeatable. It is a political defeat. We cannot win, which I am not even sure what that means, this war. This escalation will do nothing but delay the inevitable. America knows it.
To listen to the discussion I have heard in the last couple of days, all I can say to myself, if we had this attitude in the seventies, we would still be in Vietnam. For what? For what? We have done what we could do, and we may have to go back someday and may vote it up because the right circumstances. To never say never is ridiculous. We don’t know where the cards are going to be played. We do know one thing: that today Iraq is engaged in a civil war. One of the leaders of the fight is Saddam Hussein, and he is in Iran. We are only delaying the inevitable at the cost of our young men and women. And I am not talking about money, because if this was the right war, a moral war, money wouldn’t be the issue.

This war is over. We need to recognize that. We need to stop trying to play politics with it. Bring our troops home and prepare them for the next battle that we might all join in if it’s the right time. The right time is the right time. Mrs. WILSON of New Mexico, Madam Speaker, I am pleased to yield 3 minutes to my colleague from Texas (Mr. BARTON).

Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I attended the Charlie Norwood funeral today in Augusta, Georgia. He was a veteran of Vietnam. I think it is ironic that because he was a veteran, we saw at the beginning of the funeral the honor guard walk in carrying the flag of the United States Army and the flag of the United States and all the battle ribbons on that flag, that as 70 to 80 of the Members of this body were showing respect to Charlie and his family, we were having this debate on another war.

The resolution before us is a sham resolution. It is nonbinding. I have voted on the nonbinding resolutions of war and peace, and in my time in this Congress. I voted on the first gulf war resolution back in the early nineties when we thought we could end the First Gulf War. Then there was the first resolution. It is nonbinding. And then if we have to vote on another war.

The necessary framework for democracy has been established and the labor of our brave troops has produced many measurable results. A constitution was written by the Iraqis resulting in democratic elections where nearly 12.5 million voted in favor of the new constitution. A fair criminal trial was held for Saddam Hussein, the country’s former dictator, who denied that right to his own people. I urge my colleagues to let the Iraqis lead and give democracy a chance.

Sustainable achievements in the reconstruction effort include the building of more than 5,000 schools, the training of more than 60,000 teachers, the training and equipping of 323,000 police and military forces, the vaccination of 98 percent of Iraqi children, the ability of more than 7 million people to access phone service, the repair of nearly all of Iraq’s railway stations, the restoration of electricity output and oil production to near prewar levels and the increased availability of clean water and sanitation. The milestones that have been reached are a testament to why we should not abandon the people of Iraq. Congress is being made a scapegoat to support our troops and Iraq’s democratic government.

The President’s call for more troops is a decision not made in haste. It is made with careful consideration and thoughtful advice from our commanders both at home and abroad. The additional troops will work with Iraqis to solve serious challenges and to find ways to curb future outbreaks of violence. To achieve success in combating those serious challenges it is important that America stands with the Iraqis so they can defend their own soil, create a sound economy and govern themselves effectively. The President understands the consequences of failure in Iraq, something this resolution proves the Democrats do not comprehend.

I have been to the funerals of men and women from my district that lost their lives in this war. I have pinned medals on the chests of the brave men and women from my district who returned home safely. Visiting with families at home and troops in Iraq I have seen firsthand the effects this war has on American families. This resolution serves to discredit the memories of fallen soldiers, the efforts of those still fighting, and to embolden our enemies. If we remember, our enemies attacked us on September 11th and instead of living in fear and leaving ourselves open to more attacks we chose to take the fight to them. In the time since, there has not been another major terrorist attack on U.S. soil. That is a testament to the fight our men and women are waging to protect the freedoms we so richly enjoy. I remain committed to supporting our forces serving abroad and ensuring they have the funding they need to complete their mission.

Some of my colleagues misguidedly stand to dismiss our efforts in Iraq. I stand with the resolution of former President Thomas Jefferson who said, “I have not at all of God, eternal hostility against every form of tyranny over the mind of man.” We must not stand divided and turn our backs on those fighting for democracy where tyranny threatens to reign. We must be steadfast and support them in every way we can. We can not follow the interests of oil companies. When we do the people of Iraq will reward us.

The resolution serves to discredit the memories of fallen soldiers, the efforts of those still fighting, and to embolden our enemies. If we remember, our enemies attacked us on September 11th and instead of living in fear and leaving ourselves open to more attacks we chose to take the fight to them. In the time since, there has not been another major terrorist attack on U.S. soil. That is a testament to the fight our men and women are waging to protect the freedoms we so richly enjoy. I remain committed to supporting our forces serving abroad and ensuring they have the funding they need to complete their mission.

Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman for yielding.

This Islamic terrorist campaign is a direct attack on democracy. It is right to support the President as he lays the necessary framework for democracy. I urge my colleagues to let the Iraqis lead and give democracy a chance. It is right to support the President as he lays out his plan for securing Iraq and is in our national interest.

The necessary framework for democracy has been established and the labor of our brave troops has produced many measurable results. A constitution was written by the Iraqis resulting in democratic elections where nearly 12.5 million voted in favor of the new constitution. A fair criminal trial was held for Saddam Hussein, the country’s former dictator, who denied that right to his own people. I urge my colleagues to let the Iraqis lead and give democracy a chance.

Thank you, Madam Speaker. I believe that each and every Member that has come to the floor tonight and over the last 2 days would never consider any of their remarks frivolous, nor would we characterize this debate as political. Unfortunately, in 2002, many of those same words were used to characterize a very needed debate and one that we had hoped that those who had the powers of decision would have listened to.
I remember standing in this same location and suggesting to my colleagues that I was proud to accept and to make as my choice life over death and peace over war. Through these years, members of the Progressive Caucus thoughtfully have gathered to reinforce the words that we offered during those days when even though the en masse lobbying and representation of mass destruction weapons, we knew that this was a war that would be ill-fated and mismanaged. In fact, during that time, we had solutions. We asked for a continued use of political diplomacy and, as well, the continuation of utilizing the U.N. inspectors to determine if there were weapons of mass destruction.

But now we have come some 5 years and we hear the same refrain. And I know in the hearts of those who have spoken that they are sincere. But if we said nothing else but point to those who have fallen, let their faces represent the sacrifice of America. Those are the faces of those who are always willing to go into battle, and not one of us on the floor today will ever say anything untoward about the United States military through the years and decades and centuries, because they have never faltered in the Commander in Chief’s direction to go to war.

But what has really failed in this Congress in its oversight and responsibility and, as well, the choices being made by the leadership that has sent them into war.

And so, as Abraham Lincoln has said, “We wish to honor the soldiers and sailors everywhere who bravely hear this country’s cause; honor also to the citizen who cares for his brother. We will never forget.”

But we now stand in opposition to the escalation and support of this resolution because we believe that the Nation must hear, but also the leaders who must hear that these decisions must hear this is wrong and misdirected.

The troops have been magnificent. We have had 180,000 of them who have served in Iraq from Texas, we have had 200 or more who have been killed, including the 3,000-plus that have been killed across the Nation. They do have a military success.

But we know that the surges do not work. We know it was ill-fated from the beginning. There was no coalition, very minimal, and now the collaboration has ended. What is needed now is the declaration of a military success, which is what I have expressed in H.R. 930. And now we must search for diplomatic and political reconciliation and we have turned to diplomacy specifically on bringing together the Sunnis, the Shiites and the Kurds. We know that surges have only generated more insurgents, they have only generated more violence, and it has not brought about the safety that is needed.

Of course, the response is that this escalation will bring some sort of security to Baghdad, and then we can sit down and have reconciliation. One more soldier generates one more violent act. So we know that the troop surges do not work. We also know that it strains the readiness.

We now did the troop surge. More importantly, we need not to go over the steps of Secretary McNamara who indicated in his words, as I said in the October 2002, Former Defense Secretary Robert McNamara said in his mea culpa on the Vietnam War: We were terribly wrong. And he hoped that what he suggested was what I have experienced. Vietnam would give us experience.

Today this ongoing war in Iraq shows we have thrown away that experience.

We also throw away the Constitution, because this is not pursuant to Article I, section 8. This is not a declaration of war that we are in, and we therefore need to terminate the power given in H.R. 930 in 2002 to attack Iraq. This document has not been followed. And so H.R. 930 will terminate the authorization given in 2002, because for these lives lost already we don’t want to participate in this foolishness of monies being spent irresponsibly, the lack of accountability, and a war that already can be claimed as a military victory by the United States military who can now come home with honor and dignity.

Let us stand on this floor and claim that we support life over death and we support peace over war and we want our soldiers to return home in celebration and dignity in honor of these who now are fallen on the battlefield.

Madam Speaker, I rise in strong support of H.Con. Res. 63. I stand in strong support of our troops who have performed magnificently in battle and with a grace under pressure that is distinctively American. I stand with the American people, who have placed their trust in the President that had been given in the declaration of war that we are in, and we recognize the foolishness of monies being spent.

Madam Speaker, I am privileged to represent the citizens of the 18 Congressional District in the great State of Texas. The sons and daughters of the Lone Star State have always answered the call to service. More than 3,019 Texans serving in Iraq, and more than 120,000 more who have served the nation. Since the war began in March 2003, more than 180,000 Texans have served in Iraq, some deployed two, even three, in some cases four times.

Madam Speaker, it is more than irresponsible not to oppose the President’s plan to escalate the war in Iraq. It is unconscionable. In opposing the President’s latest folly, we send a message that is both simple and profound: You cannot win the just War on Terror by launching an unjustified War in Iraq. That is one of the hard and bitter lessons we have learned during the 4 years course of the War in Iraq.

The misguided, mismanaged, and costly debacle that is the Iraq War was preemptively launched by President Bush in March 2003 despite the opposition of me and 125 of my colleagues in the House of Representatives. To date, the war in Iraq has lasted longer than America’s involvement in World War II, the greatest conflict in all of human history.

But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers, and sufficiently trained and equipped to do the job.

My friends, I say with sadness that we have not enjoyed that same quality of leadership throughout the conduct of the Iraq War. The results, not surprisingly, have been disastrous. To date, the war in Iraq has claimed the lives of 3,109 brave servicemen and women (115 in December and 39 in the first 13 days of this month). More than 23,400 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

The depth, breadth, and scope of the President’s misguided, mismanaged, and misrepresented war in Iraq is utterly without precedent.

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in American history. It is a tragedy in a league all its own. But it was not unforeseeable or unpreventable. As the President’s intention to launch a preemptive war against Iraq became known back in the fall of 2002, thoughtful members in the halls of Congress took to the floor, and concerned citizens in the countryside to the streets. Patience, we said. After all, we registered our dissent. We acted not out of dislike of the President but out of love for our country and what it had represented to the world. As Robert Taft, “Mr. Republican,” as he was affectionately known, the late, great Senator from Ohio said just two weeks after Pearl Harbor, “Criticism in a time of war is essential to the maintenance of a democratic government.”

My friends, in light of the enormous losses of precious American blood and treasure, it is very small consolation to know that those of us who acted on the biblical injunction to speak truth to power have been proven right in our warnings about the disaster war in Iraq would produce.

We predicted before the war that “the outcome of the conflict is actually going to be the hardest part, and it is far less certain.” We made the point that it was essential for the Administration to develop a plan for rebuilding the Iraqi government and society, if the worst comes to pass and armed conflict is necessary. We knew, the Armed Forces of the United States is invincible on the battlefield and would decisively defeat Iraq’s forces and remove Saddam Hussein. But like the proverbial dog chasing the car down the road, we questioned whether the President knew what he was doing when he said his goal was to keep Saddam Hussein from getting any weapon “that could be used against the United States or against any of our allies.” It was giving safe harbor. President Bush even went so far as to say that you couldn’t distinguish between Al Qaeda and Saddam when you talked about the war on terror. Of course, this claim turned out to be untrue as well. That is not all, Madam Speaker. The campaign to persuade Americans that Iraq posed a clear, present, and mortal danger to us included the false claims that Iraq possessed ballistic missiles with a likely range of hundreds of miles—far enough to strike Saudi Arabia, Israel, Turkey, and other nations. It was also falsely represented to Americans that Iraq had a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas and that Iraq was exploring ways of using unmanned aerial vehicles to target the United States.

But the capstone of the administration’s disinformation campaign was the claim that Saddam Hussein was actively pursuing nuclear weapons which could be used against the United States or by the terrorists to whom it was giving safe harbor. President Bush even went so far to announce to a world-wide audience in his 2003 State of the Union address that “the British government has learned that Saddam Hussein had recently sought significant quantities of uranium from Africa.” According to the President, facing such clear evidence of peril, we could not wait for “the final proof that could come in the form of a mushroom cloud.” We now know for sure that these claims were false. And covering up those false claims is one of the main reasons that Scooter Libby found himself in the predicament that led to his indictment by a grand jury and the on-going trial in the United States District Court for the District of Columbia.

Regarding the actual conduct of the looming hostilities, a Joint Chiefs of Staff report assured us that “it would be a cakewalk” and that American troops “would be greeted as liberators.” The Secretary of Defense, Donald Rumsfeld, boldly claimed that “the war could last six days, six weeks. I doubt six months.” Vice-President Cheney said, “I think it will go relatively quickly . . . [in] weeks rather than months.” There are many things one could say about these rose-colored scenarios peddled by the Administration nearly four long years ago. But there is one thing you cannot say and that is “true words were never spoken.”

Finally, Madam Speaker, let us not forget the wildly extravagant claims of this Administration regarding the cost of the war. The Director of the White HouseOMB was quoted as saying that “Iraq will be an affordable endeavor that will not require sustained aid and we will be in the range of $50 billion to $60 billion.” At last count, Madam Speaker, the war has cost the taxpayers $379 billion. That a cost overrun of more than 600 percent.

To put the cost of the war in perspective, consider that the cost of more than $86 billion, just 30 days after the fall of Saddam and his top henchmen, would have had relatively little impact on the overall Iraqi government structure. They assumed that Iraq’s bureaucracy would remain intact and would...
therefore be capable of running the country and providing Iraqis with basic services. They likewise assumed that the Iraqi armed forces would largely remain cohesive and would surrender whole to U.S. forces. The result of all this was a fundamental lack of attention to realistic planning for the postwar environment.

As it was assumed that the Iraqis would be delighted to be liberated little thought was given to security requirements after Saddam’s fall. The dearth of planning for the provision of security and basic services stemmed from the mistaken belief that Iraqi political institutions would remain largely intact and therefore able to handle those responsibilities.

But there were too few Coalition troops, which meant that long supply lines were vulnerable to attack by irregulars, and the need to mask entire cities at times took so much combat power that it brought the entire offensive to a halt.

It was not long before these naive assumptions and inadequate planning combined to sow the seeds of the chaos we have witnessed.

The lack of sufficient troops to secure the country led to the immediate outbreak of lawlessness resulting in massive looting and destruction dealt a stunning psychological blow to the country which the country has yet to recover. We re-established Iraqi confidence in the United States, from which the country was left vulnerable to the immediate outbreak of lawlessness in Iraq.

The second major mistake made in the summer of 2003 was the decision to create an Iraqi Governing Council (IGC), which laid the groundwork for the reconstruction even though the IGC leaders were horridly corrupt, and they stole from the public treasury and encouraged their subordinates to do the same. The IGC set the tone for later Iraqi governments, particularly the transitional governments of Ayad Allawi and Ibrahim Jaafari that followed.

Finally, by insisting that all of the problems of the country were caused by the insurgency rather than recognizing the problems of the country were helping to fuel the insurgency, the Bush Administration set about concentrating its efforts on the wrong places and on the wrong problems.

This explains why for nearly all of 2004 and 2005, our troops were disproportionately deployed in the Sunni triangle trying to catch and kill insurgents. Although our troops caught and killed insurgents by the hundreds and thousands, these missions were not significantly advancing our strategic objectives. Indeed, they had little long-term impact because insurgents are always willing to flee temporarily rather than fight a leviathan. Second, because our troops were “whac-a-mole” with insurgents in the sparsely populated areas of western Iraq, the rest of the country was left vulnerable to take over by militias.

Finally, Madam Speaker, a cruel irony is that because the Iraqi Government brought exiles and militia leaders into the government and gave them positions of power, it is now virtually impossible to get them out, and even more difficult to convince them to make compromises because the militia leaders have learned they can use their government positions to maintain and expand their personal power, at the expense both of their rivals who are not in the government and of the central government itself.

All of this was avoidable and the blame for the lack of foresight falls squarely on the White House and the Office of the Secretary of Defense.

Madam Speaker, American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability, which we Democrats have begun to deliver on; already the new majority has held 52 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report.

But President Bush is still not listening to America. He is acting as if nothing has changed. He is not offering a way out of Iraq, only a way forward that will take us deeper into the morass. The troop surge proposed by President Bush is not a new strategy for success in Iraq; it is just the same old repackaged policy of “stay the course.” This troop surge—this escalation of the war—will not provide lasting security for Iraq. It is not what the American people have asked for, nor what the American military needs. It will impose excessive and unwarranted burdens on military personnel and their families. It is opposed by the Joint Chiefs of Staff. It is opposed by an overwhelming majority of the American people. It is opposed by a majority in Congress.

The architects of the fiasco in Iraq would have us believe that “surging” at least 20,000 more soldiers into Baghdad and nearby Anbar province is a change in military strategy that America must embrace or face future terrorist attacks on American soil. Nothing could be further from the truth, as we learned last year when the “surge” idea first surfaced among neoconservatives.

The President’s proposed troop surge is not new and, judging from history, we know it will not work. It will only succeed in putting more American troops in harm’s way for no good reason and without any strategic advantage. The armed forces of the United States are not equipped to respond to respondents to respond to governments like Iraq’s that have done all they can to take responsibility for the security of their country and safety of their own people. The United States cannot do for Iraq what Iraqis are not willing to do for themselves.

Troop surges have been tried several times in the past. The success of these surges has, to put it charitably, been underwhelming. Let’s briefly review the record:

1. Operation Together Forward, (June-October 2003): In June the Bush administration announced a new plan focused on Baghdad by increasing the presence of Iraqi Security Forces. That plan failed, so in July the White House announced that additional American troops would be sent into Baghdad. By October, a U.S. military spokesman, Gen. WilliamCc, acknowledged that the troop surge and troop increase was a failure and had “not met our overall expectations of sustaining a reduction in the levels of violence.”

2. Elections and Constitutional Referendum (September-December 2005): The fall of 2005 was the last time the U.S. forces were in Baghdad. The success of these surges has, to put it charitably, been underwhelming. Let’s briefly review the record:

3. Constitutional Elections and Fallujah (November 2004-March 2005): As part of an effort to improve counterinsurgency operations after the Fallujah offensive in November 2004 and to improve security before the January 2005 constitutional elections U.S. forces were increased by 12,000 to 150,000. Again there was no long-term security impact.

4. Massive Troop Rotations (December 2003-April 2004): As part of a massive rotation of 250,000 troops in the winter and spring of 2004, troop levels in Iraq were raised from 122,000 to 137,000. Yet, the increase did nothing to prevent Muqtada al-Sadr’s Najaf uprising and April of 2004 was the second deadliest month for American forces.

Madam Speaker, by more than 60 percent, Americans oppose increasing American troop levels in Iraq. So do many of the nation’s leading and most knowledgeable military officers. In testimony before the Senate, Gen. John P. Abizaid, the former Commander of United States Central Command, stated: “I do not believe that more American troops right now is the solution to the problem. I believe that the troop levels need to stay where they are.”

General Abizaid’s view is shared by Gen. Colin Powell, the former Secretary of State and former Chairman of the Joint Chiefs, who told us he did not view another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.” And Gen. Barry

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McCaffrey (retired), who commanded the 24th Infantry Division during the first Gulf War, is even more blunt: “It’s a fool’s errand. . . . Our allies are leaving us . . . Make no mistake about that. Most will be gone by this summer.”

Even leading members of the Republican Party now think the president to use military force in Iraq in 2007, where the political and national reconciliation act of 2007, the special envoy to launch a new offensive on the peace.

The military success in Iraq Act of 2007 (MSIA)” is the most important legislative initiative, the “Military Success in Iraq Act of 2007 (MSIA)”. This provision of my legislation is crafted to end the American military involvement in Iraq and re-deploy American forces in Iraq and the full House think the war is a lost cause, if they think that sending more troops to help secure Iraq is the wrong strategy, they shouldn’t hesitate to cut off the funding for the operation. I wouldn’t support that measure, but at least it would be a measure of genuine intent, not a two-partisan statement of military tactics we have on the floor this week.

Mistakes have been made. But this is a mission that is consistent with our vital interest and worthy of our support. I don’t believe President Bush has prosecuted this war flawlessly, and, frankly, I don’t believe he has always particularly been well advised. But this strategy of reinforcement is not always supported by the President, it is supported by the military and the political leadership of both parties.

People have to understand something. We are facing an enemy like no other we have faced before, an ideological enemy driven by hate, not reason; an enemy for whom there can be no rest until the freedoms and values that define our civilization are destroyed.

Victory is the only outcome that can be accepted. But the resolution we are debating on the floor this week was not written with ultimate victory in mind; it was written in expectation of defeat. And, unlike some of my colleagues, I am not willing to concede to defeat.

So many families have sacrificed so that we can be successful in Iraq, and they are willing to sacrifice even more. To cut support for them now would be unfair to them.

You know, Mr. Speaker, watching the debate on the floor this week, my thoughts keep going back to the Louden family who live in my district. Their son Christopher, a member of the military and the political leadership of both parties.

Mistakes have been made. But this is a mission that is consistent with our vital interest and worthy of our support. I don’t believe President Bush has prosecuted this war flawlessly, and, frankly, I don’t believe he has always particularly been well advised. But this strategy of reinforcement is not always supported by the President, it is supported by the military and the political leadership of both parties.

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So many families have sacrificed so that we can be successful in Iraq, and they are willing to sacrifice even more. To cut support for them now would be unfair to them.
Their son Nicholas is a West Point graduate I nominated to the Academy, who served with his brother in Iraq, and he is heading back to Iraq this weekend for another tour of duty.

Their son Jonathan, their youngest, and another one of my Academy nominees, led the 14th Platoon at West Point. The Loudon family had great concern over whether to send their third and youngest son to West Point. In the end, they were swayed by their son’s commitment to serve his country and their shared belief that his mission is one worth fighting for.

If the Loudons can remain strong and committed in the face of the most difficult circumstances any family can endure, why can’t Congress?

I have gotten other calls from families in my district. One mother called this week to tell me that her son, a young man named Nathan Stone whom I nominated to West Point in 2001, is currently serving in south Baghdad, sweeping doors down, risking his life so the Iraqis can live their lives with a basic security. And do you know what he told his mother to relate to me? He told her that they are making a difference, they are seeing progress, they need these troops, and they will be excited when they get them.

If First Lieutenant Stone believes that these additional troops are vital to him completing his mission in Baghdad, I say, you are a lot. And if the Loudons can send their youngest son to West Point knowing that he may some day be called into service himself, that tells me all I need to know.

Mr. Speaker, no one likes war. No one wants our troops to be in Iraq one minute longer than they have to be to ensure the mission is accomplished. Reasonable people may disagree on strategy, but this resolution is not about alternative viewpoints. There are no deadlines offered, no suggestions, and no responsibility taken.

I stand with the Loudon family and Lieutenant Stone, and vote opposed to the Republican side of the aisle from some, fully committed in the face of the most difficult situations any family can face.

Mr. SMITH of Washington. Madam Speaker: I yield 5½ minutes to the gentleman from Oregon (Mr. DeFazio).

Mr. DeFAZIO. I thank the gentleman.

We are debating a simple, straightforward resolution. Clause 1 says, “Congressional Resolution.” A simple resolution. Congressional Resolution. We will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq."

Every Member of Congress, despite outrageous allegations from the Republican side of the aisle from so-called supporters of our troops and wants them to have the best equipment available to accomplish this mission. The disagreement is over the strategy that determines the mission. The Republicans don’t want to have a debate over that strategy. They are trying to conflate support for the troops with support for the President’s failed stay-the-course strategy dressed up with a little bit of escalation. But as President Theodore Roosevelt said during World War I, standing by a President, whether right or wrong, is not only unpatriotic and servile, it is morally treasonable to the American public.

Supporting the troops doesn’t require supporting the failed policies of this President and his administration. The Republicans don’t want to debate the conduct of the war and the future strategy in Iraq. The former Republican chairman of the House Intelligence Committee, Peter Hoekstra, wrote a letter to his colleagues saying, “This debate should not be about the surge or its details. This debate should not even be about the Iraq war to date, mistakes that have been made, or whether we can or cannot win militarily. If we let the Democrats force us into a debate on the surge or the current situation in Iraq, we lose.”

So change the subject. Make things up.

There is a massive propaganda effort on the part of many Republicans to distract and dissemble. They have trotted out the tired and thoroughly discredited line that if we keep the Iraqis there, we will fight them there, instead of the debating the issue of whether or not to keep the Iraqis there, we will fight them here,” invoking the specter of Osama bin Laden and al Qaeda. However, U.S. intelligence agencies, including military intelligence agencies, have refuted that claim that the conflict in Iraq is driven by al Qaeda. It is not. The violence is driven by a civil war primarily between the Iraqi Sunnis and Shias in a 1,400-year-old conflict, and our troops are caught in the middle of that civil war. The recent National Intelligence Estimate definitively put that issue to rest. The Iraqi Sunnis and Shias have no interest in or capability of attacking the United States.

Osama bin Laden, al Qaeda, and their Taliban affiliates are active on the border of Afghanistan and Pakistan, thanks to the Bush administration and the massive diversion of our troops and resources from Afghanistan to an unnecessary war in Iraq. We do need to reinforce our troops in Afghanistan in order to end, once and for all, the threat posed by al Qaeda and the Taliban leadership.

Our Nation and our troops were led into the war in Iraq by the distortion of intelligence, dissembling by the President, and the members of the administration. It is time for the truth. The Bush administration has saddled our troops with a failed strategy in Iraq. It is that failed strategy that hurts our troops, not the words of those of us who have pointed out the obvious failures by this administration.

I don’t believe there is a level of U.S. troops that could stabilize Iraq at this point and resolve these underlying age-old sectarian conflicts.

The President remains optimistic. However, optimism is not a strategy. Staying the course and repeating the failures of the past is not a new strategy. Vice President Dick Cheney, despite the grim National Intelligence Estimate acknowledging the civil war in Iraq, dismissed suggestions that Iraq is a disaster, saying, “The reality on the ground is that we have made major progress.” Vice President Cheney.

Optimism, stay the course, and denial, those do not serve our troops well. We need a real change in strategy.

A better strategy is to announce a timeline negotiated with the Iraqi Government to bring our troops home over the next 6 months to a year.

The administration has always set time lines for political developments in Iraq, for the elections, for the drafting of the constitution. The administration argued such time lines were necessary to focus the energy of Iraq’s leaders and to force compromises. We need to do the same on the military side. Negotiating a timeline for bringing home U.S. troops with real timeframes in the Iraqi Government would boost the Iraqi Government’s legitimacy and claim to self-rule, and force the Iraqi Government to take responsibility for itself and its citizens. Negotiating a withdrawal timeline and strategy with the Iraqi Government could more than possibly anything else improve the standing of the Iraqi Government in the eyes of its own people, a significant achievement in a region where the standing of rulers and governments is low, and it could also abate the insurgencies of both Sunnis and Shias.

Too many Iraqis view us as an occupying force. Large majorities of both Sunnis and Shia want U.S. troops to withdraw, and approve of attacks on our men and women in uniform.

The U.S. must engage, despite the reluctance of this administration, in robust diplomacy with the governments in Iraq, except the foreign terrorists and domestic al Qaeda elements and work with Iraq’s neighbors in an effort to bring about political reconciliation among Sunnis, Shias, and Kurds. Our troops have done all that has been asked of them in Iraq.

Saddam Hussein is dead. His allies are on the run or in prison. The threat from WMDs is nonexistent. The war that has been authorized by Congress is won. The troops should come home. Congress should not authorize U.S. troops to referee a civil war in Iraq.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Missouri (Mr. HULSHOF).

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

Mr. HULSHOF. Madam Speaker, on November 19 of 1863, President Abraham Lincoln rose on the platform at Gettysburg, Pennsylvania, delivering a 2-hour oration by Edward Everett, and gave a brief but very eloquent discourse that has become a prominent
part of our country’s heritage. At the dedication of the Gettysburg National Cemetery he acknowledged, “The world will little note nor long remember what we say here, but it can never forget what they did here. It is, for us, the living, rather, to be dedicated here to the memory and the perpetuation of a principle upon which we, as Lincoln urged, to remain dedicated to the task remaining before us? Haven’t many in this body expressed frustration that the Iraqi Government has put limitations on the rules of engagement that would not allow our military to hunt down the enemy because insurgents had escaped to a safe haven in a region deemed off-limits by the Iraqi Government?

Well, isn’t the majority party doing exactly the same thing half a world away with this resolution? Isn’t denying military additional reinforcements deemed necessary by our generals in the field hampering our last best chance for success?

Two miles ago I was moved by the quiet eloquence of the distinguished gentleman from New York (Mr. McHUGH) when he made the simple yet ironic observation: At no time in our Nation’s history has this House considered a public reiteration of a sitting Com- mander in Chief for the manner in which a war has been conducted that Congress itself has authorized. On that score alone, I find this resolu- tion breathtaking in its audacity. If I may, I shall attempt to paraphrase the Great Emancipator. This true, the world will little note nor long remem- ber what we say here, but the world will never forget what we do here.

I urge rejection of this resolution. Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentle- man from California (Mr. FARR). Mr. FARR. Thank you for yielding. Madam Speaker, it is a pleasure to see you in the Chair tonight. I would like to congratulate the new leader- ship in the House tonight for the oppor- tunity and the time to allow this body and the Members of this body to go on record about the President’s war strategy.

On course I would prefer that we were debating my bill, H.R. 413, which would rescind the authority that we gave the President to invade Iraq back in Octo- ber of 2002. I voted against this war then, and I will continue to do so now. We joined, though, our leadership. We have to thank the American people, the people that went to the polls in November, who voted for a change and a new direction for this country. You, our constituents, voted for this change, and now you are wit- nesing the historic debate on the President’s policy in Iraq.

This resolution that we are voting on is very simple. It has two sections. The first section affirms our support for our troops who are serving and have served in Iraq.

The second section expresses dis- approval over the deployment of 21,000 combat troops in Iraq. These two sim- ple statements aren’t legally binding. But they are binding promises to the American people who voted for us to change the direction. Promises are im- portant. When soldiers and their fami- lies go to war, our government prom- ise to support them, and that we should.

Just think, if we made the same promise to the school children when they go to school, that we would protect them from school violence and fund their school, to buy an education, and that we should.

Just think, if we made that promise to provide health care for 47 million Americans who are without health in- surance today, and that we should. The promise and the list of promises goes on and on, many unmet domestic needs that are not getting attention because of the war in Iraq.

Some say this resolution is meaning- less, I disagree. It is a promise, and promises are important.

If we can support our troops and we can support the teachers who are edu- cating their children, we can support the health care providers that are car- ing for their loved ones.

By voting for this resolution, we are making a promise to the American people to change United States’ policy on the war. This resolution doesn’t end the war, but it begins a new direction.

This is the first time that we have said “enough is enough” to the Presi- dent. It is a good start. If we go on record in opposition to troop surge, we can express our disap- proval to the country’s addiction to the rich getting richer and the poor getting poorer. We can express our disap- proval of the policy that keeps homeless peo- ple on the streets, that keeps one in six American children living in poverty, and allows our skies and oceans to con- tinue to be polluted.

So to the American people, I thank you. I thank you for getting involved, because when you do, politicians re- spond. You have empowered us to chart a new course for the war in Iraq, and I am proud to cast my vote for this reso- lution.

Today we are keeping our promise to the people, for what we do for our brave troops, we can do for all of God’s children. Yes, Mr. President, we can tell you that you are wrong.

In closing, I think what this debate is about is to wake up the world. America is coming back. It is coming back with the most powerful force on Earth, the country’s declaration that we resolution is a breath of fresh air in our Nation’s Capitol. It is time to get out of Iraq, it is time to lead.

Thank you, Speaker PELOSI, for bringing us this far in just a few short weeks.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 min- utes to my colleague from Mississippi (Mr. PICKERING).

Mr. PICKERING. Madam Speaker, I rise in opposition to this resolution. As we look back through our Na- tion’s history, and we look back at all
the great chapters, there were moments, decisive, critical moments, where our Nation could have given up, or given in, could have withdrawn, could have surrendered, and those moments that make us most proud are those chapters in our history where we did not give up, or will not give up.

If we had a mission, we completed it. If we look to Lincoln’s message at one of those turning and tipping points in our history at Gettysburg, when this Nation was in the midst of its bloodiest civil war, he said, we here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom.

We have a new Nation trying to grasp its first breath of freedom, to form a more perfect union of freedom and equality and democracy.

Lincoln’s second inaugural address: With malice toward none, with charity for all, with firmness and the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation’s wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with those who love us.

Today I took a couple on a tour of this great Capitol, and we walked into the Rotunda under the magnificent dome, the place where if you put the Statue of Liberty, it would still have room.

The dome was finished and constructed during our Civil War. Abraham Lincoln was questioned during that time, Shall we devote our time and our resources and the labor to the completion of the dome, or should that go to the war effort? And Lincoln said, No, that is a symbol of our union, and we will complete the work of the dome.

When Lee met Grant at Appomattox, it is said that Lee’s first question to Grant was, Have they finished the dome yet? They had just finished it in the spring of 1865.

Today that dome defines and symbolizes the strength of our Nation and of our democracy. Many in the world probably thought during that time that we would never survive, and the real question for many of us today as a Nation at war that is spiraling in civil war, can that civil war end? Can a nation be unified? Could the hatred and the war be stopped and then reconciliation bring unity?

There are many on the other side who believe that it is futile, that all civil wars will never end, that these ancient hatreds will not stop. But if we look to our recent history in Bosnia, there was a President of the other party who stood and said, We can intervene. We will give our military and our diplomatic resources to bring about an end to civil war.

He was rightful, and history judges him well for that. To be honest, many on this side of the aisle did not stand in support of that President at that time. But our Nation remembers and are glad that we had a leader who intervened and brought stability to a critical region of the world, and new democracies emerged.

We started this effort together after 9/11. We all remember standing on the steps and singing “God bless America.” We bombed the cathedral, the National Cathedral, and praying for our guidance and for our unity. We authorized the war together. We adopted a policy of regime change together, overwhelmingly.

And now when it is difficult and grave doubts rise, will we give up, or will we complete the work and finish the work in which we can be proud?

Lieutenant Joshua Trapp, who flies Apache helicopters in Iraq, deployed this spring after his marriage to Elizabeth of only 3 weeks. He now believes and hopes that he can complete his mission.

I rise today in Joshua Trapp’s name, and all of those other Mississipians who have given their lives, that their life may not have been in vain, and that the mission reported in this body in this time and this place and that it is a chapter we in this place will remember as we age and grow old that we did not walk away, retreat, surrender, but we finished the mission.

Mr. SMITH, Madam Speaker, I would just first observe that none of these soldiers who died in Iraq, no matter what happens from this point forward, died in vain. No soldier who dies fighting for his country and his comrades dies in vain, regardless of the politics. I hope we would all understand that.

Madam Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, for almost 4 years the administration has been saying, just give us more, and they are saying, we need more troops, for more expenditure of lives and treasure with no end in sight. They speak of victory, but what is victory? Was it finding weapons of mass destruction? There were none. Was it a nuclear weapons program? There was not one. Was Iraq an imminent threat to our security? We were told it was, but in fact it was not.

They claimed that they would exhaust all options before taking military action. But they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’ final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, this action but they did not even wait for the weapons inspectors’
Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), a senior member of the House Armed Services Committee.

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

Mr. ABERCROMBIE. Madam Speaker, as chairman of the Armed Services Committee on Air and Land Forces, my overriding concern on every issue that comes before us is whether and how it supports our men and women in uniform.

Every decision about equipment, procurement, training, end strength or budget authorization must meet this test: Does it support our troops? The question before us today, increasing U.S. forces in Iraq by some 21,000 combat troops and somewhere between 3 and 28,000 support personnel fails this test in every respect.

Both the immediate and long-term effects of the war in Iraq on our Nation’s military preparedness are evident and drastic. Extended deployments, premature redeployments, and sustained combat under unbelievably harsh conditions have taken a terrible toll on our equipment.

The results are an over-stretched U.S. Army and Marine Corps with no fully mission-capable Reserve forces, and an urgent need for billions of dollars to repair or replace worn and damaged helicopters, armored vehicles, including up-armeded Humvees and other equipment.

I recently returned from an inspection of two of the Army’s busiest repair depots in Corpus Christi, Texas, and Anniston, Alabama. What we saw there were skilled and dedicated employees working feverishly to make sure that our men and women in uniform, particularly those in Iraq and Afghanistan, have every piece of equipment they need to do their jobs and keep themselves safe from harm.

What we saw were the results of an administration’s abject failure to mobilize this country’s industrial base for this war of choice. Only now are we ramping up America’s manufacturing capacity to fully support our troops at home and overseas.

Smugly self-righteous in its belief that U.S. troops would be targeted with nothing more lethal than rose petals, this administration has been complacent in leaving the burden of the war on the men and women of our Armed Forces, active, Reserve and National Guard. The impact of this attitude hit home for me in Corpus Christi when I read recently about the death in Iraq of a 48-year-old Army sergeant with five children.

Newspaper Columnist Dan Thomasson asked: What in the world was a 48-year-old man with five children doing in the military in Iraq? The answer is obvious; he was a member either of the National Guard or the Reserve. The Guard and Reserve are being used in a way never contemplated.

Their repeated and sustained deployments turn lives upside down, sometimes permanently, and have a profound impact on families, businesses and whole communities.

Why have they been so misused? Because there is not anyone else. Because the active duty forces are too small to sustain our engagement in Iraq and Afghanistan. To have acted to ensure the burden of this war would be more broadly shared, that the industrial sector would be mobilized, and the military equipment, supply, and maintenance and repair systems put on a wartime footing would have been expensive and an admission of a reality the Bush administration did not want to confront.

The real and immediate concern is that forces now being deployed as part of this surge will not have the equipment they need when they get there. They will have to borrow it. We are not fully prepared to respond effectively.

For all of the chest pounding from the other side today, the House is considering an expression of support or opposition to another failure of leadership. Nearly 23 years ago, President Ronald Reagan’s Secretary of Defense, Caspar Weinberger, outlined in a speech entitled “The Use of Military Power,” six tests that need to be applied whenever combat forces are contemplated.

One: never commit forces unless the particular situation is vital to our national interest or that of our allies. Two: if we are willing to commit the force or resources necessary to win, we should commit them all.

Three: we should have clearly defined political and military objectives. Four: the relationship between the objectives and forces, size, composition, disposition, must be continually reassessed and adjusted.

Five: we must have the support of the American people and their elected representatives in Congress. Six: the commitment of U.S. troops to combat should be a last resort. President Bush’s policies have failed every one of then-Secretary Weinberger’s tests.

What then are the consequences of this failure? Our troops are in peril. Our credibility is shattered and the lessons of the past are submerged in empty rhetoric and political dribble.

\[2100\]

Make no mistake, we are engaged in a war of choice, a catastrophe conceived in ideological zeal, cloaked in misinformation and administered with breathtaking incompetence.

It is an outrage that we have not had a single policy in Iraq worthy of our men and women in uniform. This surge is yet another misstep in this tragic journey to disaster. We need to end it and end it now.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 4½ minutes to my colleague from Minnesota (Mrs. Bachmann).

Mrs. BACHMANN. Madam Speaker, the morning of September 11, 2001, I was a Minnesota State senator meeting...
American soldiers, please know that many of us in this Congress stand strong in our resolve to support you and our fight to preserve America's freedoms. On my watch, I pledge to you during this, my term in Congress, that I will stand for you, and I will vote to preserve our freedoms.

And I want to say to you this evening that it is American soldiers, Minnesotans, who are in the National Guard. It is members of the Minnesota National Guard who make up over 10 percent of this increase in troops. Minnesota is supplying over 10 percent of those troops.

I had the brigadier general of the Minnesota Guard in my office yesterday, and I asked him, What is the morale? What is the message that these troops want me to know? And he said, They want you to know that they stand ready to fight, and their morale is high.

I say thank you to the Minnesota National Guard. Thank you for your sacrifice. Thank you for your bravery, I will stand with you. Just as the Minnesotans who stood first in line the morning before that morning and, chillingly, that war continues even today. Their brand of evil chooses to kill the greatest number of innocent civilians. They are a cruel enemy. They are unwavering in their resolve to seek the annihilation of the United States of America and of our freedoms, and of our Western allies especially. They seek to destroy our friend, the State of Israel.

Today, Iraq is the central front in this struggle, and this is according to the radical Islamists themselves. Some in this Chamber may want to deny that fact. However, it is the jihadists who chose Iraq as the central front in the war on terror. It wasn't the United States, and we fight them on their turf. Al-Zawahiri has said many times that Iraq is one of the crucial fields in the Islamist war. The radical Islamists know that they cannot beat us with guns and bullets alone. They can only beat us in one way, and that is if they will be to the resolve of America to fight and to win this war.

To American soldiers, I want to say to you specifically tonight, know that many of us here in the United States Congress support you and your mission. We pray for you. We love you. We appreciate you and your sacrifices on behalf of our freedoms. It is because of your bravery that we will defeat the radical jihadists. Surrender is not an option, not if our goal is the maintenance of our freedoms.

It is very telling, I think, that the resolution that we are debating this evening only states what those on the other side of the aisle oppose. After all these hours of debate, the American people have yet to hear a plan from the Democrats for victory in this war against terror.

I believe, and you, our troops, know that victory against the evil people who want to kill Americans transcends politics. I know that no mother will have to explain to their children the death of thousands of innocent Americans.
And escalating this war by putting 20,000 Americans into the streets of Baghdad, ala Mogadishu, aka Blackhawk Down, is inviting a 21st century Pickett’s Charge or a Charge of the Light Brigade. 

Madam Speaker, if the President of the United States will not.

Mrs. WILSON of New Mexico, Madam Speaker, I am pleased to yield 5 minutes to my colleague from Texas (Mr. NEUGERBAUER).

Mr. NEUGERBAUER. Madam Speaker, I rise tonight in strong opposition to this resolution and in strong support of our troops in the mission as they fight the global war on terror. 

I am really disappointed in the hollow resolution that does not match the seriousness of this issue that we are debating. It appears politics, not the safety of our Nation, is leading the way.

Not long ago, several of my Democratic colleagues were arguing we need additional troops in Iraq. But now the President and the Iraqi Study Group say, send more troops, and now the Democrats are against it.

So when they say, now that they have the ability to and the responsibility to govern, the majority has no plan. In fact, the only plan is to cut funding for our troops on the ground in Iraq.

Statement after statement from Members on the other side of the aisle paint a very clear picture. This week’s debate is not about winning the war, or about the future cuts in funding for Iraq. The realities of the current global conflict demand a more responsible approach from this body.

We know that terrorist enemies are patient. They are calculating, and they intend on attacking us again. They have stated that Iraq is the central front for the global jihad, yet expelling America from Iraq is merely the first step in their strategy.

We know that leaders of the terrorist organizations have ordered their followers to extend their jihad throughout the region and the world. So it is clear that the attacks on our country and the citizens will not stop if the troops pack up their bags and return from Iraq. The terrorists will follow us back to our America.

A long list of terror attacks took place long before 9/11 and long before we entered Iraq and overthrew Saddam Hussein.

If, like everyone else, want our troops to come home as soon as possible. However, with shortsighted political calculations made in this body that may cause us to lose that war, terrorist groups will only be encouraged to expand this effort.

In addition to the terrorist groups who are watching this debate and our actions in Iraq, we also know that Iran will see that America is buckling to our political reactions to this issue. Not only does Iran stand to benefit from increased instability in the region, but seeing America retreat in the face of military obstacles will only embolden that rogue regime to question America’s resolve.

While we can disagree on whether to send reinforcements, we must all agree that the consequences of losing the battle on the global war on terrorism is catastrophic and far reaching.

America must not be a Nation where our school buses, our malls, our neighborhoods, become the battlefields for the war on terrorism. Therefore, we should be saying we will not retreat, and we will not back down from this fight.

We should stand behind our troops and give them the tools and support necessary to get the job done. Our security depends on it.

Unfortunately, this resolution fails on each front. This resolution does not put forth a successful strategy for victory, and the resolution does not show our troops that they have our full support.

In fact, for the last 2 or 3 days, you have not heard one solution offered by the other side. You have not heard one solution offered of what happens if the President is right. This is too important of an issue for us to be backing down from and to be having silly political debates.

To the contrary, this resolution only serves to score political points and embarrass the Commander in Chief during a time of war. It does so while, at the same time, weakening the morale of our troops. Fighting and winning the war is serious business. It requires our President, our military leaders, our elected officials to make important decisions, tough decisions. Yet making tough decisions is what the American people expect their Representatives to do.

Therefore, I call on my colleagues to reject this resolution, end the political stunts, take seriously our responsibility to govern and to ensure the safety and the security of the American people.

This has been a rock fight. This is not a place for a rock fight. This is a place for serious deliberation to make sure that we keep America safe, both today and in the future.

I urge my colleagues to reject this resolution.

Mr. SMITH of Washington. Madam Speaker, I would just argue, first of all, the President and the Iraqi Study Group say, send more troops, and now the Democrats are against it.

To the contrary, this resolution only serves to score political points and embarrass the Commander in Chief during a time of war. It does so while, at the same time, weakening the morale of our troops. Fighting and winning the war is serious business. It requires our President, our military leaders, our elected officials to make important decisions, tough decisions. Yet making tough decisions is what the American people expect their Representatives to do.

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I urge my colleagues to reject this resolution.

Mr. KAPTUR. Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker. I thank the gentleman for yielding.

With this resolution, Congress puts the Bush administration on notice we take the first step toward a course correction in Iraq that the American people voted last November.

We also put the leaders of Iraq on notice that our troop strength there will be redeploying, not escalating.

Some have said passage will make us look weak, I say, send more troops. He is already smiling due to the de-volving chaos in Iraq. He is achieving exactly what he set out to do: forcing us to destroy a nation to save it, while embroiling our military in an unending Islamic civil war of attrition that produces more terrorism and anger toward America.

Our mission is in Iraq is struggling, but it is not due to a shortage of supplies or a lack of will or poorly trained forces. To the contrary, we have the biggest military in the world, with every dollar appropriated by this very House.

Our mission is faltering because the President misjudged the field of battle. Our troops are poised against a borderless political movement determined to make our military pay.

That idea emboldens its adherence to confront the largest military force in the world. That idea enlists the weak to confront the powerful. It pits puritanical religious followers against kingdoms, against the super-rich, and against corrupt regimes they deem to be unfaithful. And in Iraq it propels Sunni against Shia.

Despite the heroic efforts of our troops, the paradox is that the war in Iraq cannot be won in Iraq. Indeed, the war in Iraq becomes counterproductive in winning the war of ideas across the region.

We cannot ask our troops to bear the burden of winning a ground war when the President’s policies have lost the idea war.

We know the truth. There were no chemical labs, as pictured here, when Secretary Powell laid out the case against Iraq before the U.N. and said there were chemical labs in Iraq. There were no such chemical labs. There was no yellow cake uranium from Niger, and there were no weapons of mass destruction.

We cannot ask our troops to win military victory when the administration’s reason for invasion were falsehoods and debased our Nation throughout the world.

The intelligence was not faulty. No one should be allowed to blame this on the Central Intelligence Agency. Our intelligence community, including the CIA, tried to tell President Bush and Vice President CHENEY, but they refused to listen.

Madam Speaker, though I voted for the NATO mission in Afghanistan, I spoke out strongly against the resolution authorizing President Bush to wage preemptive war against Iraq because I feared what would happen:
more terrorism, not less; more instability, not less.

Since that vote I have supported our troops at every turn and will continue to support them. And I do not regret my vote against the war in Iraq, and I do not apologize for my support of our troops. But now is the time to take the first step toward course correction to redeploy them more effectively.

The roots of terrorism did not spring from Iraq. Terrorism sprang from diplomatic and political failures in undemocratic states, from an Afghan state that was let fester after the Soviet defeat. Terrorism springs from an Iran whose Shia majority our Nation has isolated for the last quarter century and tried to throttle for the prior quarter century.

Terrorism springs from Saudi families who pay to promote the most radical form of Islam in other nations to hold onto power in their homeland, one of the most undemocratic places on Earth. Terrorism springs from the unaddressed Israeli-Palestinian standoff. Terrorism springs from a Lebanon where the Shia majority has been underrepresented in the institutions of government.

Terrorism springs from a view, fair or not, that the United States allies with the rich but not the poor across the undemocratic Islamic world. How can America stand for democracy in Iraq but not in all of the oil kingdoms and to which this Nation has been unfortunately tethered for our entire adult lifetimes?

How can we ask our troops to bear the brunt of war in the most oil rich region of the world when we have refused to become energy independent here at home?

Madam Speaker, we cannot ask our troops to bear the burden of war when real diplomacy has been absent and political coalitions for victory are missing. In the end, war is the breakdown of diplomacy.

Now is the time for a course correction: redeployment of U.S. forces, benchmarks to measure strategic achievements, diplomatic alternatives such as a soft partition of Iraq enforced by the world community to quell the rising Sunni-Shia-Kurd standoff.

Chances are the violence in Iraq could continue for years to come. The danger now is that our actions to date could continue for years to come. The Sunni-Shia-Kurd standoff.

The world community to quell the rising a soft partition of Iraq enforced by the understandments, diplomatic alternatives such as 

advising a nonbinding resolution that makes two points. The first point is it praises our troops. The second point is it speaks against the President’s decision to increase or surge our U.S. troop numbers in our current attempt to end the civil and terrorism.

Let me say at this point that I do not fault individual Members and their choice made tonight or tomorrow to support or oppose the arbitrary nonbinding resolution that is before us. I have faith, I have faith in the Democratic leaders who crafted this resolution behind closed doors, written in the dark of night.

The people should know that this is not a true debate. In fact, this exercise is a politically hatched farce. In fact, this exercise is absent of any legitimate legislative process. It is also, in fact, vacant of the two options provided Congress under our Constitution: first, to declare war or, second, to appropriate funds for the conduct of war. In fact, this is a steal resolution brought to the floor absolutely void of the democratic process; that our men and women are fighting, as we are here tonight, to preserve our freedoms at home find the rights to home and extend those rights to oppressed people abroad.

This is not Cuba. This isn’t Venezuela. This is not North Korea or some Third World country. This is the Congress of the United States.

But let me congratulate the authors of what history will surely record as a very dark chapter in the conduct of the House leadership and the House of Representatives, leadership, in fact, entrusted to them by the American people.

Let me congratulate the authors on the clever wording of a resolution to praise our Armed Forces and at the same time undermine our Commander in Chief. Very clever.

I also want to congratulate the very clever timing of the floor discussion of this worthless measure that disregards the fact that American troops have already been deployed for this mission.

Congratulations are also in order for duping the public and the media into creating the illusion that Congress is really doing something about the conflict in Iraq.

And again congratulations on making people think that this is bipartisan support, that this is going to be bipartisan support for a resolution that, in fact, achieves nothing but the discredit of a President of the United States at a time of war. I want to extend congratulations to the crafters of this illegitimately drafted nonbinding resolution. Your accomplishments will be lauded by Hamas, al Qaeda, touted by Al Jazeera, and high-brow liberalized by America and Bush haters throughout the world.

Ironically, I pulled this up. Google it yourself. This is tomorrow, 8:17 Mecca time, Al Jazeera: “Democrats Attack Bush War Policy.” The lead quote is from Speaker Pelosi.

Again, congratulations on your achievement.

Fortunately, though, folks, throughout history great Presidents have ignored Congress and have not wavered. George Washington was nearly recalled by Congress in the darkest hours of the American Revolution. He fought for nearly 8 years to gain our independence and freedom. Abraham Lincoln endured untold criticism in Congress in his fight to ensure freedom for those once enslaved. Ronald Reagan never flinched in his quest to bring down the Iron Curtain and free millions. And George Bush will be remembered for freeing Iraq, giving women and the oppressed the right to vote, for conducting free elections, helping Iraq adopt a constitution, and combating terrorism and extremists.

The 110th Congress, however, will go down in history for adopting a nonbinding resolution. Think about it.

Yes, we all want our troops home. We all want our children to live in a world of peace. And this resolution will not help us achieve either of those goals.

Mr. SMITH of Washington. Madam Speaker, I now yield 5 minutes to the gentleman from Illinois (Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks).

Mr. JACKSON of Illinois. Madam Speaker, I rise today in defense of our national security, in support of our troops, and in favor of this resolution.

This measure is a first and important step in preventing the President’s ill-conceived escalation plan; reversing our present, perilous course; and ultimately bringing our brave troops home from Iraq.

Mr. President, when in a deep hole, stop digging. But rather than searching for a way out, the President proposes to dig down deeper, plunging further into a dark abyss. Blinded by ideology and steeped in delusion, the administration’s answer to the chaos in Iraq is to send an additional 21,500 troops into the middle of it.

I do not support the President’s shortsighted, wrong-headed, reckless approach. And on behalf of the American people, this act now to stop the continuation of an ambiguous, constantly changing, open-ended engagement in Iraq.
During the last 4 years, our men and women in uniform have answered the call of duty. They have demonstrated true courage and bravery and honor. They have served our Nation valiantly, even as many civilian leaders have failed their duty.

I mourn the loss of 3,100 Americans who died, 95 of whom are from my home State of Illinois. I pray for the thousands who have been seriously wounded and permanently disabled. And I pray for the families and friends who ensure that our troops in Iraq had the body armor and the equipment that they need to protect their lives and discharge their duties.

Tragically, the war in Iraq is a case study in "mission creep." And the fact is no amount of troops can successfully complete a mission that is unclear, that is ill-defined, that is muddled and mutable.

During the run-up to the first Gulf war, then-Chairman of the Joint Chiefs of Staff, General Colin Powell, put forth eight criteria to be met for military action. Among the critical questions posed by the Powell doctrine were: Do we have a clearly defined objective? Is there a plausible exit strategy to avoid endless entanglement? Have the consequences of our actions been fully considered?

The answer to each question when applied to Iraq today is the same as it has been since the start of this war: no, no, and no.

With the help of its author, the Powell Doctrine was shredded to bits and the mission in Iraq is adrift.

Consider this: On September 12, 2002, President Bush challenged world leaders at the U.N. General Assembly session to confront the grave and gathering danger posed by Iraq's weapons of mass destruction. However, no weapons of mass destruction were found there.

Then President Bush shifted his justification to the wariness about liberating Iraqis from a brutal dictator. But in December 2003, 4 years ago, Saddam Hussein was found and captured. He has since been tried and hanged for crimes against humanity.

After Saddam was taken into custody, President Bush claimed that the mission was to spread democracy throughout the Middle East. Yet Iraq has deteriorated into sectarian violence erupting into a bloody civil war. Now, as the violence increasing, the President says our mission is to confront the terrorists in Iraq so we don't have to face them here at home. However, according to government intelligence, the war in Iraq has helped recruit more terrorists, not vanquish them.

Madam Speaker, now is not the time to close our eyes, cross our fingers and stay the course. We cannot continue to engage in the same action and expect a different result. We should not send more of our soldiers to the desert on a mission that shifts like the sands beneath their boots.

The President's plan attempts to impose a half-baked, unworkable military solution, when Iraq needs a political one. Rather than a military escalation, this situation in Iraq requires a diplomatic and political intensification. The United States has to stand down, so the Iraqi people can stand up and seek a political settlement and assume responsibility for their own future. The Iraqi government must engage in negotiations and compromises that balance the interests of the national governments, share oil revenues and protect the rights of every Iraqi citizen.

The Iraq Study Group, co-chaired by James Baker and Lee Hamilton, released a report in December stating the same. They said the security situation cannot improve unless leaders act in support of national reconciliation. There is no action the American military can take by itself that can bring about success.

As Democrats, we support our troops, but we don't support the Commander in Chief squandering billions of our tax dollars and recklessly putting our brave soldiers and the bravest of others' civil war. I believe our domestic national security rests on redeploying our military forces from Iraq in order to build more consensus in the Middle East.

To conclude, Madam Speaker, I support this resolution opposing President Bush's failed policy of escalation. It is time to bring a responsible end to this war, to bring our troops home, and to bring them home right now.
on the Appropriations Committee to end the practice of giving too much to the wrong people to do the wrong thing.

However, these are only the first steps. We should not only oppose escalation but we should pass legislation to bring the war to an end responsibly. Investigations must be followed by specific and personal accountability for crimes that have been permitted in the conduct of this war.

We should use the power of the purse to ensure that funds go specifically to keep our soldiers safe, rebuild badly damaged military readiness, undertake new diplomatic efforts and support the Iraqi people, not an open-ended occupation.

For the last 2 years, I have been working with concerned citizens in Oregon to develop a responsible plan to end the war and provide the best hope for a better future in Iraq. Last month, I introduced comprehensive legislation, the New Direction For Iraq, H.R. 663, as a model for the kind of legislation that Congress should enact, and I am confident will enact.

This legislation would bring the troops home, require a comprehensive diplomatic and direct reconstruction assistance, promote international efforts to disarm militias, investigate and punish war profiteering and deal with the 2 million Iraqi refugees who have been forced to flee their country, people who have only recently been able to recognize.

A word about Iran. It is a complex puzzle, more difficult than any of us imagine and one that poses real challenges. But as the President marches us closer and closer to a major provocation, maybe a new war, whether intentionally or not, Congress should not let itself be steamrolled or lied to, as it was with Iraq; Congress must assert itself with real diplomacy and a real strategy.

It is also true that America lived up to our ideals. No more torture, kidnapping and unauthorized wiretaps; no more lying and unnecessary secrecy; not treating the Constitution as a suggestion or using false claims about national security to score political points against those of us who have been right about this war from the beginning.

We must start treating the public like a partner and recognize that they are the President and the Republican leadership. I am just frustrated to hear false analogies to the dark days of World War II or to the Civil War. We are bogged down in somebody else's civil war, and we have been doing it longer than World War II or the Civil War, with no end in sight, until now.

They should join us in taking this conversation to coffee shops, churches, campuses and conference rooms, working with the American people.

Over the next 100 days, I will continue to fight for a comprehensive plan that I am confident will come forward. It is in the honor of Travis Bradach Nall, a constituent of mine who was killed in Iraq the very day the President taunted the insurgents to "bring it on."

For Travis and over 3,000 of his brave comrades who have given their lives, I urge Congress to pass this resolution as a critical first step to bringing this tragic war to a close.

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

Madam Speaker, before you in opposition to this resolution. It champions a dismally irresponsible and dangerous course of action. On its face, the resolution merely addresses the troop surge, ignoring the President's plan in its totality, as I said earlier. I will now address our efforts to move forward on the diplomatic and economic front. With regard to the establishment of government capacities, the establishment of the rule of law is a necessity, for to have Iraq address the national plan of reconciliation, to have them pass enabling legislation for the Constitution and amendment process, and to set provincial elections, is extremely important.

With regard to the economic piece, the concession whereby the Iraqi government will seek to have a quasi-Alaskan model with regard to the revenue sharing of its precious assets is extremely important, because you do not want the distribution of the oil proceeds to go to regional leaders. It will only empower them and then weaken the unity Federal Government.

With regard to the debt relief agreements, much has been negotiated, but the neighboring Gulf States need to step forward, and upcoming meetings are at hand.

The debate seems to be on the security piece. There are those saying well, let's just back out completely. They use words such as "withdraw to the United States" and "redeploy." But is that a plan? I haven't heard any form of military plan. They say what, we will just turn it over to them? Wow.

As we listen to the neighboring leaders, they express caution of cataclysmic consequences. I fear how America will be defined by our friends. Do you reach out to a child as you are teaching it how to walk, let go of the hand and let them fall and say it is up to you, and leave them alone? You are going to have to find your way to the kitchen. Do you go back and help them walk? As we listen to the neighboring leaders, they express caution of cataclysmic consequences. I fear how America will be defined by our friends. Do you reach out to a child as you are teaching it how to walk, let go of the hand and let them fall and say it is up to you, and leave them alone? You are going to have to find your way to the kitchen. Do you go back and help them walk?

I am concerned about how cold and callous the new majority is to this new infant democratic government. But I guess even more disconcerting to me is the politics behind this resolution. While the majority tells the American people not to worry, that we are going on the wrong course, this amendment basically opts for the status quo, the same status quo for which they have attacked the administration, which they campaigned against last fall.

They offer no solution, only acting as the critic, and being a critic is the easiest role in the world.
public executions. The people of the region do not want the future these extremists desire. The more we talk about this enemy, the more its bankrupt ideology will become known."

This enemy uses suicide bombings, beheadings, and other atrocities against the innocent citizens of the world to pursue its objectives. They are the enemy of freedom and wanting nothing more than to disrupt peaceful, civilized people everywhere. No one is safe from this hatred, and it is not restricted to the West. We ask those in London and Italy and other places around the world. This is a global threat. Iraq is not the limit of this beast's haven.

It is the challenge of our generation to destroy this enemy wherever it lurks. We cannot do it without the resolve, cunning, and above all vigilance. The price that we pay for freedom is eternal vigilance from those who seek to steal it away.

While we have not been attacked on our homeland since September 11, 2001, it is not for the lack of the terrorists' efforts. We have been fortunate to have spoiled and foiled several plots here in this country and around the globe. Yet, the fight is far from over. Chances are that you are not safe in your own back yard. You can walk to the store. You can play with your children at the local park or in your backyard without having the fear of being blown up by a roadside bomb or being shot by a sniper. You will see children allowed to go to the mall without fear of a suicide bomber.

It is that peace of mind, this feeling of safety that we are endowed as the elected leaders of this country to preserve at all costs.

I remind you that these extremists want to disrupt and destroy our every way of life. They are not equipped to do battle on a conventional battlefield. Instead, they look to disrupt our most basic foundations, our securities and our institutions, public and private. The world is their battlefield. Their hope and their goal is to outlast our resolve.

It is our burden to bear, our generation's great challenge to defeat their hopes and objectives. We cannot cower and seek the sanctity of security in this challenge. You are not free when you cower. You have given in to the designs of the terrorists if you do.

This debate began with the Speaker asking whether or not this resolution will make our troops safer. The answer I believe is no. This resolution lacks courage. It lacks leadership and it lacks a forward way of thought. This resolution, to me, is pure political theater. The administration has given us a legitimate plan to work with, and the majority in this House has given us nothing but criticism and a path for an easy way out that virtually holds the door open for terrorists to destroy an infant democratic government and to open a way of access to the U.S. and our allies for terror.

I close with a thought from a past President who faced the trials of war in his lifetime. President Kennedy said, "Let us resolve to be the masters, not the victims, of our history, controlling our own destiny without giving way to blind suspicions and emotions."

Madam Speaker, I reserve the balance of my time to add my support to this resolution. This resolution is straightforward and simple: we support our troops and oppose President Bush's plan to send more than 20,000 additional combat troops to Iraq.

I support this resolution because we need a new direction in our Iraq policy. This war has been going on for almost my entire service in this House, and during that time, I have heard one misrepresentation after another. This war began on a flawed premise, that Iraq had weapons of mass destruction and posed an imminent threat to the world. After months of fruitless searches, it became clear that there was no such weapon destruction; but 3 years after coming to that conclusion, we are still in Iraq.

Then we captured Saddam Hussein and more than 3 years later we are still in Iraq. We were told we needed to be there to fight the terrorists who attacked us, but we all knew that al Qaeda was based in Afghanistan, not in Iraq.

Vice President Cheney said the insurgency was in its last throes; and 20 months later, our troops are still in combat in Iraq.

We were told we were in Iraq to establish democracy and freedom. Iraq now has a Constitution and an elected government, but over 1 year later we are still in this war.

It was 3 years, 9 months and 2 weeks ago that President Bush declared mission accomplished, but our troops are still in Iraq.

We in this House and the American public have been continuously misled about this war. Enough is enough. If I really believed that sending another 20,000 troops would end the war and bring stability to Iraq, I would support it. It would be worth the sacrifice. But you and I both know that this is the wrong war in the wrong place and with the wrong strategy militarily because it is a political problem.

So when the President wants to send even more troops, we really need to take stock of what that means for our country and the lasting impact that it will have.

We all know the statistics: 3,124 American troops killed; over 20,000 wounded; and over $379 billion spent.

And I have seen the costs beyond the numbers, and I am sure my colleagues have as well.

Each visit that I have made to Walter Reed, every wounded veteran that I have met in my district and each condolence letter I write to the widow or the parent of a fallen soldier painfully reminds me of the great sacrifice we are asking from our men and women in uniform and their families. There are also costs that we don't have numbers for, but they are worth mentioning. How many children will grow up without a parent because of this war? How many veterans' lives will be forever altered because of the injuries they have endured? How are we being perceived throughout the world, and has it made us more vulnerable to terrorism?

As we consider the President's decision to send yet more troops and to escalate the costs we are bearing, we need to ask ourselves whether the cost of sending more troops to fulfilled a flawed policy is justified. I don't think it is, and most Americans don't think it is either.

As far as I am concerned, this is a moral issue. We are not doing right by our troops and their families to continue sending them into harm's way without a winning strategy.

We are not doing right for America. Our continued presence in Iraq is breeding new recruits for terror groups and eroding the readiness of our own Armed Forces.

It is the challenge of our generation to defend our interests in other parts of the world, such as Afghanistan, where just yesterday The Washington Post reports that NATO lacks enough troops to fight the Taliban and al Qaeda. It is the challenge of our generation to change the course and bring an end to our current mission in Iraq. This resolution is not going to do that, but it is a first step in articulating to this President that staying the course is not working and it is not acceptable to the American people.

I urge all my colleagues to join me in voting "yes" on the resolution.

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

Thinking about this debate, I reflected back to when this House voted on the resolution to go to war and so I thought I would better look up what I said, because I remembered something that was very serious or what was very curious was the years before 2001.

I had watched a lot of people vote against the defense bill. Yet coming off of September 11, there was this bravado about going to war, and I felt a sense of unease. So I thought I would go back and see what I said when I came to the floor on that day, and I would like to share it with everyone.

I said: "I have seen great resolve uttered in this Chamber and the swaggering display of courage. "I can share with my colleagues, as a veteran of the gulf war, that war may be glorious in verse or prose, but in reality it is not. We are about to send America's finest, and that means men and women will die. It will be a noble cause, but we must remember the reality of this moment, because in war it is chaotic. Not everything is going to go right. We cannot be 400 and 500 generals between the House and the Senate."

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Now, I said that back on September 14, 2001, trying to caution all of my colleagues, many of whom had voted against defense bills, now rattling sabers, feeling this bravado of let us go to war.

Now I have to ask, was that a false bravado because now, as war has gotten chaotic and has gotten hard and difficult, now they cower, and I have great concern.

So I ended with: “We cannot have the bravado of today and then run at the first sound of the guns.”

Please remember this day when it gets hard.

The gentleman I am about to yield to, the gentleman from California (Mr. Lewis), was chairman of the Defense Appropriations Committee, and I remember him well because I had served as the chairman on the House Armed Services Committee at the time and served with Mr. Smith, and when we came out after Oklahoma City, then-President Clinton, very concerned about terrorism, and we passed our first anti-terrorism bill here in the House and many people were like, wait a minute, that was a domestic act of terror.

No, President Clinton began to focus abroad, not only upon the Russian Mafia, but he was also focusing on Osama bin Laden and other terror. It can be debated whether or not he took great vigilance on that front or not, but let me post a real compliment to President Clinton because he turned to Hugh Shelton.

General Shelton was at the time the commander of Special Operations. I was very upset coming out of the House conference on the anti-terrorism bill because Joe Biden and I were trying to get the country to raving wiretaps, but the country was not ready for it. So then it was defeated.

I then get on the phone and call General Shelton and bring him up to Washington, D.C., and asked him a simple question: What are the top ten unfunded requirements that you have given Special Operations, the missions that you have to do in the dark world to secure America but you don’t have the resources to accomplish them?

☐ 2000

He sat down and he detailed them. More importantly, as President Clinton then named him, appropriately and wisely, the Chairman of the Joint Chiefs, he worked then with Jerry Lewis and prepared the force. So when America was hit on September 11 and we immediately sent those special operations to Afghanistan, they were prepared, they were equipped, they were trained to fight in the dark world and special operations, and Jerry Lewis, his leadership, was responsible for that.

Mr. Speaker, I yield to the gentleman from California such time as he may consume.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for those very, very poignant remarks laying the foundation for all of us to understand just how serious this challenge is that we are about.

Mr. Speaker, I rise to oppose the resolution before us and urge those who are voting for it, or considering it, to carefully reconsider their decision.

Section 1 simply expresses all of our support for our troops who are fighting for our freedom and freedom in the world in Iraq.

All of us agree with that piece of the statement, and each of us has expressed our support and encouragement to our troops in our own way and our own time.

The second section challenges the President’s, actually the Commander in Chief’s, request for a surge in Iraq.

Much has been said about our going to Iraq because of the prospect of weapons of mass destruction in the hands of the madman Saddam Hussein. We presumed the threat to the safety of the leaders of the world and most of the intelligence communities of the world so presumed. Not finding weapons of mass destruction does not set aside the importance of eliminating the force of Saddam Hussein from the face of the Earth.

It was my honor to lead one of the early trips to Iraq following the fall of Saddam. We were about to consider an $87 billion supplemental to help finance our presence in Iraq. I wanted to take a trip to Baghdad. I should reflect as much of the Congress, so that trip included conservatives and moderates and liberals. It also included within us Members who had voted to support going to war and those who had voted against it.

We visited most of Iraq, Mosul, Tikrit. We spent time in Baghdad. We visited the killing fields where over 500,000 bodies of Iraqis lie, Iraqis who were murdered by Saddam Hussein. We saw the empty industrial sites suffering under Saddam Hussein’s neglect. We saw the economic conditions, the handbasket conditions left by Saddam Hussein.

We stopped out of country on our way home to consider the fact that there was this supplemental appropriations before us when we returned, some $87 billion, discussing what we had experienced. And the experience had a tremendous effect upon all of our colleagues. It is properly summarized by the statement of one of our Members who said: “You all know where I have been coming from. I voted against the war. But after we have seen what we have seen over this long stay in Iraq, I am afraid that what I am about to do is going to be very, very unpopular at home but I don’t know how we can do anything else. Sometimes,” he said, “you have to be ahead of your people; sometimes we are elected actually to lead.”

That was almost 4 years ago. And fast forward to today. Saddam Hussein is gone, he is dead, and he is buried. But the extremists jihadi Islamic terrorists remain and continue to impact the entire Middle East. That is why we must succeed in Iraq. That is why we cannot afford to withdraw troops now.

Watching our floor debate last night, my wife turned to me and said, They want us to retreat. They want us to retreat. They want us to retreat.” She said, “George Washington did not retreat when our country was in danger.” She questioned why we find ourselves in this kind of circumstance today.

I was reminiscent of that early time in our history when our Nation was threatened. The French came to our rescue, our assistance, and indeed played a major role in our future Commander in Chief himself being successful.

Americans should never forget that. The Statue of Liberty stands on Ellis Island as a reminder of the French view of that young America, its potential, a land of hope where freedom could reign and opportunity might abound.

Within that group, there abounds the voice of Islamic extreme. There are those who advocate jihad and who would wipe France as we know it off the face of the Earth.

But France is not entirely the same country at this point in its history. She no longer provides such a leading role in the world. It is presumed that the French language should be the language of the international world. Today, about 10 percent of the French population is Muslim. Much of that population is middle class and some less than a middle-class opportunity.

Within that group, there abounds the voice of Islamic extreme. There are those who advocate jihad and who would wipe France as we know it off the face of the Earth.

We should not consider withdrawing now, because a stable Iraq is vital to our national interests and is an important part of our ability to promote peace and economic opportunity in the entire world. It is a critical battleground in our war against terrorism.

If we succeed in Iraq, we will have taken a gigantic step towards stamping out the source of terrorism that exists in that part of the world. If we are not successful in Iraq, we will meet extremist Islamic activism elsewhere.

February 15, 2007

Review with me for a moment where we have been in Afghanistan and Iraq and where it may take us. Al Qaeda was nurtured and gained strength in Afghanistan. America had played a key role in forcing the former Soviet Union to cease its incursion in Afghanistan. The Islamic extremists who surround the likes of Osama bin Laden took advantage of the vacuum of Afghanistan, and used it as a training ground that provided them the terrorist an opportunity to spread their jihad around the world and spread terrorism with it.

America cannot allow the likes of Osama bin Laden to have places like
Afghanistan to serve as training grounds. It is in our vital interests to see that Iraq, for example, does not serve as a recruitment and training ground for the forces who oppose freedom and oppose our very way of life.

Make no mistake about it, there are forces in the Islamic world who do not believe we should exist. They may be relatively new or small in number, but there are those of Islamic jihadist extreme who are committed to the death of all nonbelievers. There are those on the extreme Imam fringe who teach hatred for the infidels in mosques all around the world.

We do not want to believe in such extremism as a country or a people, but the true believers want all of us to be dead, all Englishmen, all Germans, all French people, all Americans who are not committed to their belief. The heathens should be dead. How else would one be able to convince men, women, and children to strap themselves on bombs and kill the innocents by the thousands? If not death to all infidels, how else would a mother praise Allah as her young child explodes as a bomb in a cathedral?

The war on terror goes well beyond Iraq. But make no mistake, that war will not be won by walking away from Iraq.

The President has called for a surge of just over 20,000 troops. That request does not flow from a naive presumption that maybe, just maybe the battle for Baghdad can be won by a few brave men.

The call for these troops is a change in strategy, a strategy that suggests that, with the leadership of such brave men committed to taking the Iraqis out front, can lead the way to a successful change in Baghdad, indeed, a change throughout Iraq; a strategy that the President would suggest involves clearing areas of Baghdad, clearing other areas throughout Iraq, stabilizing them, and then providing the real opportunity for democratic growth and change in Iraq.

A successful stabilization of Baghdad indeed is only the beginning point in Iraq. To me, this kind of change is the real hope for the people, not just of Iraq, but of the entire region. To me, that is the definition of success in Iraq.

If we are successful, we will have changed the face of the Middle East. A successful Iraq will send a great message to the likes of Iran, Syria, Yemen, and Iran, but during Mr. Truman. At one time or another, they retreated from a fair number of battles. Now, sometimes that was a wise and tactical maneuver to win the larger war. Sometimes it was a mistake.

History judges by much as it does sort of portray the thinking of the President that the only way is forward, regardless of the details. A little more thought, I think, might help us. We will return to that point at the end of my remarks.

But the first thing I want to say, I think this is by and large a very good debate on a very important issue facing our Nation. The only time I become troubled in this debate is when speakers on the other side say that this is just political, and that this resolution is irrelevant. What they are saying is that the opinion of the United States House of Representatives on the most important public policy issue facing our Nation today is irrelevant. The opinion of the people's House does not matter.

Now, that explains a lot for the last 4 years while the minority party was in the majority, when they did not question the President but did not express their opinion in a way that would move us in a more positive direction.

I feel very strongly that it is absolutely the responsibility of those of us in Congress who represent people, our constituents, to express our opinion. In a way we are expressing their opinion. That is what we are supposed to be here in the House, the most directly reflective voice of the people of this country.

So to say that this is irrelevant is just an absolute attack on the Constitution and the way this country is supposed to be set up. We must express our opinion on the most important issues of the day.

Then we come to the next issue, which is, you cannot question the Commander in Chief. He is the guy in charge, he knows more than the rest of us. You cannot question him. It undermines everything.

Let me say I express a certain amount of sympathy for the view that we should place faith in the Commander in Chief. That is a good part of the reason why I voted for this resolution 4 years ago. A little more than a year after 9/11, our President was saying to us, To prosecute the broader war on terror I need this authority. And I had my doubts, but, by and large, I want to be supportive of the Commander in Chief, recognizing the power he has.

But the question I have for the minority is for how long? How many mistakes does this President have to make before we don't have an obligation, not just a right, but an obligation to express our disapproval and try to get him to move in a different direction? Books have been written, more than I can count, about all of mistakes that this President has made in Iraq; books not written just by opponents of the war, but many of them written by proponents, outraged that they took their idea, the President took their idea and made such a hash of it.

We have an obligation at some point to stand up and say, enough. Mr. Speaker, I very much appreciate your extending me this time.

Mr. BUYER, I very much appreciate your extending me this time.

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

Mr. SMITH of Washington.

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

I guess the first thing I want to point out, and there are other arguments I want to make. Mr. Lewis's comments, and I have a great deal of respect for the gentleman from California, he mentioned that, you know, George Washington never retreated. Well, as it happens, I just read a biography of Mr. Washington, and not to go puncturing holes in the midst of our great Nation, he retreated a fair amount, actually.

In fact, I don't know where we got this idea that the great leaders of our time only went forward. We have heard President Bush and President Truman. At one time or another, they retreated from a fair number of battles. Now, sometimes that was a wise and tactical maneuver to win the larger war. Sometimes it was a mistake.

History judges. By much as it does sort of portray the thinking of the President that the only way is forward, regardless of the details. A little more thought, I think, might help us. We will return to that point at the end of my remarks.

But the first thing I want to say, I think this is by and large a very good debate on a very important issue facing our Nation. The only time I become
will fight them anywhere, anytime, because we recognize that threat.

In fact, I believe that there is a Qaeda in Iraq, and we should fight them. But what we are talking about specifically today, and Mr. Buyer mentioned the 21,000 troops, that is the aspect of the plan that we focused on, precisely because that is the aspect of the plan that is most wrong, that does the exact wrong thing to do. By sending 21,000 U.S. troops to fight in a civil war that has been better described by some of my colleagues, so I won't go into it any further, that they cannot possibly sort out the bad guys from the good guys is the exact wrong thing to do.

Given that feeling, and I have personally thought about this a great deal, I met with the President on a couple of occasions as he outlined this plan. I talked with many soldiers who served, gotten many opinions on this, and have come to the honest conclusion that it is a mistake, that it undermines our ability to win that larger war against Qaeda, which is the war we are fighting.

Given the fact that I feel that way, I would be betraying everything that I said I was going to do when I got elected if I didn't on the RECORD express that opinion. That is what this resolution does.

So I know this hope will go unfulfilled, but I would hope at a minimum that the minority can stop saying that the opinion of this House is irrelevant. If they feel that way, they should say so openly, and then come home. All right, it matters. You may disagree with the opinion we are expressing. I urge you to vote "no" if you feel that way, but I don't feel that way.

I feel we need to tell the Commander in Chief that he has led us down one too many blind alleys. We disagree with him. We want him to change course, and that is the will of the people's House, being expressed by us. That is not just our right. It is our duty as Members of Congress.

Mr. Speaker, it has been nearly four years since the war in Iraq began—four-and-a-half since President Bush and his team in the White House started the effort to launch our Nation on the path to this war. We learned a lot during that time frame, but two things stand out. First, the war effort has failed to achieve the outcome the President hoped for, instead creating problems he clearly felt would not come to pass. Even he admitted that he is dissatisfied with the way the war has gone. Second, at every step along the way, beginning with the way the President got us into the war, right up to the President's latest plan to once again increase the number of U.S. troops in Baghdad, President Bush and his administration made mistakes—mistakes that are far too numerous to list.

In the last year we made large increases in the number of our troops in Baghdad twice already. Both times violence went up in the city, and as we have begun the current increase in troops that violence has once again increased. The lesson should be clear at this point: United States military might will not stop or even reduce the violence in that city.

We need our troops to focus on al Qaeda and its supporters, not to be bogged down in a sectarian civil war that is only tangentially related to the larger fight against al Qaeda. This is why our troops cannot stop or even reduce the violence. And the Maliki government we are being asked to support spends as much time acting like they are supporting the U.S. military as they are acting like they want to bring Shites, Sunnis and Kurds together to form a stable Iraq.

Al Qaeda is in Iraq and we should continue to target them, but that effort will require a far, far smaller U.S. military presence than we have there today. Our massive military commitment reduces our ability to pursue al Qaeda in the dozens of other nations where they have influence—most glaringly in Afghanistan and Pakistan.

This larger, more important fight is not solely or even primarily military. Diplomacy and other efforts to move democratic forces and populations away from joining al Qaeda are a huge part of our battle, and we need to enhance those efforts. But we can't, because we're hamstring both by a lack of resources—financial and strategic—that are tied down in Iraq, and by the open-ended occupation of Iraq that continues to undermine America's standing in the world.

Instead of sending more troops to Baghdad the United States policy in Iraq should be to instruct our military leaders there to put together a plan to as quickly and responsibly as possible reduce the number of U.S. troops in Iraq. We need our troops to focus on al Qaeda and its supporters, not to be bogged down in a sectarian civil war that is only tangentially related to the larger fight against al Qaeda.

The first, critical step in this process of changing our policy in Iraq is this resolution. Congress must make its disapproval of the President's policy in Iraq clear and on the record.

Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. Allen).

Mr. Allen, I thank the gentleman for yielding.

Mr. Speaker, I thank our Speaker and the majority leader for scheduling this long overdue debate on Iraq. For 4 years we have suffered from a Congress that was unwilling to lead, and content simply to follow on Iraq. The previous majority gave the President a blank check for the war and rubber-stamped his decisions. They ignored oversight, avoided investigations, and stifled debate.

Today in Iraq, the price of this neglect is the loss of too many American lives caught in the crossfire of a sectarian civil war. Government and Democratic leaders and committee chairs are asserting Congress' constitutional responsibilities on war and peace. We are reclaiming a congressional role in foreign policy in order to bring a responsible end to the U.S. military involvement in Iraq. One step is this resolution, which sends a vital signal of disapproval of the President's escalation plan. Another is the
ambitious list of long overdue oversight hearings.

In the first 5 weeks of this Congress, we held more hearings on Iraq than the Republicans held in all of 2006. The next step, we should use the appropriation process and our oversight abilities in Iraq.

I strongly support the Skelton-Lantos resolution, which expresses support for the troops and disapproval of the President’s escalation. Only a political solution, not a military one, will address the conflict in Iraq. Yet President Bush has rejected the wisdom of his military commanders, the Iraq Study Group, and many other experts by choosing to send more troops into a Sunni-Shia conflict that we cannot control. Escalation, we know, is opposed by the majority of the American people. More telling, it is opposed by a majority of the Iraqi people. When the White House war plans diverge from the wishes of the people and leaders of Iraq, we must ask whether we can stand for reason and the relevance of the mission. Our statement on the escalation is important, but our constituents also deserve to know our position on an exit strategy.

We cannot make needed investments in our future until we put our involvement in Iraq in the past. This war is straining our military and undermining our ability to deal with domestic challenges. We must force Iraqis to take responsibility for their own security and pay for the redeployment of the troops and promoting a political solution in Iraq with a focus on transition to Iraqi control.

Recent experience shows that the U.S. must impose deadlines with consequences so that Iraqi leaders will be compelled to take responsibility. An indefinite U.S. military experience in Iraq creates a climate of dependency that undermines the goal of having the Iraqi Government control internal security. It goes on and by its words takes the sectarian conflict in Iraq.

To achieve this goal, I support H.R. 645, a bill introduced by Representative DAVID PRICE and Representative BRAD MILLER. The bill terminates, by December 31, 2007, the authorization for military operations in Iraq that passed, over my objection, in 2002. The original mission, eliminating weapons of mass destruction and ousting Saddam Hussein, is no longer operable.

If the resolution believes troops should remain in Iraq beyond 2007, he must come to Congress and justify a new mission, and Congress would have to vote to approve a new mission. H.R. 645 also requires the President to submit a plan and timetable for phased-out troop deployments by December 31, 2007. It prohibits funding for permanent U.S. bases in Iraq. It authorizes funding for employment, democracy, and governance programs in that country, and it creates a Special Envoy for Iraq regional security.

America’s servicemen and women who have been sent to Iraq have served with skill, determination, and courage. We owe them and their families our gratitude and our unwavering support. Like every Member of Congress, I have been to too many funerals not to understand the sacrifice of those who have served and those who are serving. Neither H. Con. Res. 63 nor H.R. 645 cuts our funding for armor and protective equipment still needed by troops in the war zone. Congress must take a long overdue leadership role in ending this war. This resolution is an important first step, and I urge all Members to support it.

Mr. SMITH of Washington. Thank you, I just want to add, before reserving the balance of my time, I want to thank Mr. ALLEN for offering a very specific plan and to once again remind all of you who are watching the debate that to charge the Democrats don’t have a plan simply isn’t true. We have a large number of them. We are just trying to get the Commander in Chief to start them.

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

The mission here is to develop a country that can govern, sustain and defend itself, govern, sustain and defend. So under that, under govern, you have political. Under sustain, you have economic. And under defend, you have security.

So after I listened to my colleagues come to the floor and say it only requires a political solution, really? These are not inextricable. I also appeal for consistency. I just heard the last speaker talk about the necessity for national interests, so he said it is not in our national interests to be in Iraq.

Let’s stop and think about that for a second. Let’s be consistent. In the 1990s, Republicans operated under what I called the Weinberg Doctrine, that only commit U.S. ground troops if there is a national vital security interest. And that is how we kind of were guiding ourselves based off the Weinberg Doctrine. Then what happens? We have got Bosnia. We said oh, that is a European problem. Then the U.N. came in, the U.N. was ineffective. President Clinton made a judgment, and he upset Republicans. He made a judgment that because of the atrocities in Bosnia, that ethnic cleansing that was occurring, that it took U.S. ground troops, a presence of them. Republicans at the time said there are not vital national interests at stake. Democrats then said, oh, that doesn’t matter, this is a humanitarian cause.

President Clinton made a judgment, and he upset Republicans. He made a judgment that because of the atrocities in Bosnia, that ethnic cleansing that was occurring, that it took U.S. ground troops, a presence of them. Republicans at the time said there are not vital national interests at stake. Democrats then said, oh, that doesn’t matter, this is a humanitarian cause.

Democrats said, it is okay to take U.S. troops, put them on the ground to stop the fighting for a humanitarian purpose. That is what Democrats said in the 1990s. Republicans were curious about all of this because it was against the Weinberg Doctrine. As a matter of fact, there were 315 votes. I brought a resolution to the floor, 315 Republicans; Democrats then said, oh, no, no, no. Don’t put U.S. ground troops on the floor, and that was in the middle of the Dayton Peace Accords.

Bill Clinton was very upset with me. So the President brings me down to the White House and says, hey, work with me. He is probably one of the most respected men to ever wear the uniform.

I am stunned. I just ask for people to remain consistent, or if you change your beliefs, say that’s your beliefs, or if you don’t want to say that you changed your beliefs, then we must assume that you changed your beliefs.

Mr. BUYER. Mr. Speaker, do you want to turn your back on Israel? If that is what you are asking me, Mr. Speaker, do you want to turn your back on Israel?

I work with President Clinton. Mr. BUYER. Mr. Speaker, do you want to turn your back on Israel? How do you support that that is what you are asking me, Mr. Speaker. I just ask for people to remain consistent, or if you change your beliefs, say that’s your beliefs.

Mr. BOOZMAN. I rise tonight to ask my colleagues to vote against House Concurrent Resolution 63. I ask this despite the fact that I am very much in favor of the first part of the resolution before us. The first part says: Congress will and should continue to support and protect the members of the United States Armed Forces who are serving or who have served bravely and honorably in Iraq. If the resolution stopped there, it would be great.

We would be sending a message that we unequivocally support our troops in Iraq, our troops who are preparing to go there, and General Petraeus is being confirmed to lead those troops. But the resolution does not stop there. It goes on and by its words takes that support away. How do you support the troops without supporting the plans of those troops? General David Petraeus was confirmed just a scant 20 days ago with much praise and fanfare. He is probably one of the most respected men to ever wear the uniform.

Congress said to him, you are great, go get the job done. Now, less than a week after he took over in Baghdad, we come around the process which will essentially tell the general, sorry, we don’t approve of the plan you created or are currently undertaking.
Most of those criticizing this plan offer no alternative, and I say most. Some have offered an alternative, but most of those criticizing this plan have offered no alternative. Even the Iraq Study Group, a bipartisan panel of statesmen who have been heralded and quoted by the many who support this resolution, have indeed said that they support the short-term surge. This was later confirmed by Mr. Hamilton, the Democratic co-chair of the group when he appeared in front of the Foreign Affairs Committee of which I am a member.

I visited Iraq five times, the last with my friend from Indiana (Mr. BUYER). I met with the troops from every State and from others across America, thanking them for their service in combating radical Islam and the insurgency and liberating a people from tyranny. I have sat down with the President and the State Department and told them that the Americans and the coalition forces would soon be leaving Iraq in the not-too-distant future. Their response has always been, we want you to leave but we need your help to train our forces to provide our own security.

America will one day hand over responsibilities to the Iraqis, but it must be on terms which are beneficial to the interests of America, Iraq and the region, while not sacrificing the progress we have made or the security that we have earned. We must do right by the Iraqi people. We must do right by our troops in Iraq tonight, and we must do right by the men and women in uniform and their families who have served and sacrificed so much.

Our allies, countries in the region, in fact most of the world, agrees that if we pull out before the Iraqis are ready, it will be a vote in favor of terrorism in the region, leading to the possibility of war and nuclear proliferation in the Arab states.

I had the opportunity to successfully play college football in my high school and college days. Whether it was on a Boys Club team, a high school team or a major college football team, nothing emboldened our team more or made us work harder to defeat the other team than when we saw dissension on the other team. We have an opportunity this week to send a strong message to our allies, the insurgents and most importantly the men and women in uniform who ironically are in combat tonight attempting to execute the plan that is being rallied against on the House floor as we speak.

The message that we should send should be our will to not jeopardize the safety of those in Iraq by emboldening our enemies. We can show this by our will tonight of defeating this resolution.

The other thing I would like to say is that reference was made to Washington. And I also am reading a book on John Adams that is related, certainly. And Washington did at times have to pull back. He was facing the greatest army of the time. But he did pull back. And Washington also was under tremendous pressure from Congress, under tremendous criticism. And I am certainly glad that Washington did not listen to that criticism, that he fought on. If he had not, the war would probably be under British rule today.

Mr. BUYER. Reclaiming my time. Mr. Speaker, this past fall I had an opportunity to meet with 18 representatives of the European Union. The European Union is quick to say that we are not necessary with you on Iraq. But boy, we are with you in Syria and standing tough on Iran. Do you know what the message is? It is inextricable. You cannot pick and choose. The Middle East is so complex. So, Mr. Speaker, when you begged of me to address you the question, it is this: If we were to follow the Pelosi-Murtha plan, what happens to Israel if we leave a vacuum that is quickly filled by Islamic extremists in Iraq? Therein lies the same.

I believe we jeopardize the safety and security of a lone democracy called Israel, and we leave them to defend against a region filled with vipers who seek their annihilation.

Now, our friends who are also of Arab nations, they are partners in our coalition to help on the political and economic success of Iraq, and they are eager for us to also help Israel and the Palestinians resolve those differences. It is all inexorable.

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

Mrs. DAVIS of California. Mr. Speaker, may I ask how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, it is good to see you in that chair. Mr. Speaker, because you and I, I think, are here because people in this country wanted a new direction. They had had enough. They wanted a change. And they want a new direction in how this country is being run. And if there is a single subject where they want a new direction, it is on Iraq.

Now, we have a resolution before us tonight that is a vote of confidence for our troops and a vote of no confidence for our President’s policies in Iraq. First and foremost, I want to say that I support our troops and will fight to make sure they have the equipment they need and deserve. What they require on the battlefield they must have. What they need when they come home we must provide.

However, our troops are entitled to sound public policy with a realistic mission that strengthens America’s national security interests. I am opposed to the President’s proposed surge of sending 21,000 additional troops to Iraq. I was opposed to the invasion of Iraq, and I believe that we have taken our eyes off the necessary war in Afghanistan, and I am concerned by the costly distraction of nation-building in Iraq.

We must be seeking Osama bin Laden. That is where our attention must be focused. But the surge is not a change in direction, but it is more of the same.

The President has not listened to the American people. He has not listened to the bipartisan Iraq Study Group or even our senior officers such as Generals Powell, Abizaid, and Hoar.

Now, my opponent and I in this last election debated the issue of a surge. How my opponent knew that there would be a surge, this is beyond me. But he supported the escalation and I opposed it. And I still oppose this surge, because in my opinion it is too little too late.

The people of the Seventh Congressional District of Colorado spoke loud and clear. They questioned the President’s policies in Iraq. Americans elected a new majority in Congress to act as a check and balance, and not a rubber stamp of the President’s policies especially those in Iraq.

It is time to turn over security to the Iraqi people, press forward with diplomatic efforts, create a multinational reconstruction effort and redeploy our troops from Iraq by the spring of 2008, as recommended by the Iraq Study Group.

It is time for Iraq to take responsibility for its future. Mr. Speaker, I urge the Congress and all of the Members of this Congress to support the resolution that is before us tonight.

Mrs. DAVIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. CUellar).

Mr. CUELLAR. Mr. Speaker, I rise in support of this resolution. While I believe that the President as the Commander in Chief has the inherent authority to manage the conduct of congressionally approved military action, I have serious concerns that a surge in the number of U.S. combat troops in Iraq is not the best course of action at this time.

The deployment of 21,500 additional combat troops to Iraq is not the answer. I agree with former Secretary of State Colin Powell who stated: “I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing thiscommunitarian violence, this civil war, will work.”

Secretary Powell is not alone in his belief. Generals Wesley Clark, Barry McCaffrey, John Abizaid, and James Conway have also made statements to this same effect.
I have traveled to Iraq and I have met with our military forces. And I believe our foremost commitment must be to their safety. I strongly believe that we must concentrate our efforts on preparing the Iraqi Government for the task of providing security to its own citizens and stabilizing the region. It is only through this path that we will ensure the safe and orderly return of our brave men and women.

Empowering the Iraqi people and the Iraqi Government must be our primary goal. I will continue fighting to ensure that our service men and women have every tool and every resource that they need to carry out their duties and return home safely.

We must continue working to shift the responsibility for security from the U.S. to the Iraqi Government and stabilizing the region. It is only through this path that we will ensure the safe and orderly return of our brave men and women.

Mr. Speaker, I yield 9 minutes to the gentlewoman from Florida, Ms. GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman, who is also the ranking member of the Veterans' Affairs Committee and obviously, very, very passionate and articulate on this issue.

Mr. Speaker, my constituents know that I vote my conscience. I voted against my party and our President when I think they were wrong. I have stood up to my leadership when my constituents knew Congress could do better.

But, Mr. Speaker, my vote on the resolution before us isn't about my party or about the President. Unfortunately, this is not about politics and providing some political cover. This vote does nothing to help our soldiers win. What I see here is this liberal leadership pandering to the vitriolic left wing of the Democrat Party.

Mr. Speaker, please tell me exactly how this resolution will make our troops safer.

The resolution states the long-term security of the United States is being threatened by the upcoming elections in Iraq. The Democrats have now rewritten the rules of engagement and, instead of the value of our service men and women, the focus on this resolution is political cover. This vote does nothing to help our soldiers win.

Mr. Speaker, my vote on the resolution before us isn't about political cover. It is about changing or creating law. If the Democrats believed what they were saying, this House would be debating spending and funding, not wasteful rhetoric. If my colleagues on the other side of the aisle were genuine, they would be talking about benchmarks for Iraq, the Iraqi Government, and strict guidelines for appropriations.

Mr. Speaker, I thank the gentleman. The 60-word resolution before this House is a toothless effort to provide political cover for Democrats. As a matter of fact, the Orlando Sentinel, certainly not a conservative newspaper, has said that this is an empty measure. It says the pointless House Resolution on Iraq fails to set goals. It goes on to say, The U.S. House has launched a welcome debate this week on the Iraq war. It is too bad 3 days of debate are devoted to a resolution by the Speaker that does not set goals for Iraq.

Mr. Speaker, I believe every Member of the House should ask themselves the following questions:

Will this resolution protect one of our soldiers?

Will this resolution make one piece of armor thicker?

Will these empty words make a single IED less lethal?

Will this resolution stop one sniper or one suicide bomber from attacking our troops in the field?

Sadly, the answer is no. This resolution is not being debated in a vacuum. It is rare when I stand on the floor and say that the Senate actually got it right, but I must commend them for their more thoughtful and less politically attuned resolution, because their statement states the long-term security interests of the United States are best served by an Iraq that can sustain, govern and defend itself and serve as an ally in the war against extremists. That statement acknowledges the battle we are waging and the eventual victory that we must achieve in the Middle East.

The 60-word resolution before this House makes no such statement or recognition and sets absolutely no benchmarks.

Mr. Speaker, I believe every Member of this House should ask themselves the following questions:

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Mr. Speaker, I believe every Member of this House should ask themselves the following questions:

Will this resolution protect one of our soldiers?

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Will these empty words make a single IED less lethal?

Will this resolution stop one sniper or one suicide bomber from attacking our troops in the field?
We share the misgivings of many members of both parties in Congress about the president’s latest war strategy. But with the troop surge under way, and Mr. Bush vowing to push ahead, this point for the Senate to raise the pressure on Iraq’s leaders to meet their obligations to reconcile and secure their country. Mr. Bush indicated this week that he would not be closely following the House debate. A vote for the House resolution will be easy for those who wish to diminish the Senate’s constructive measure is more likely to get the attention of the president, as well as Iraq’s leaders.

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

Mr. MICHAUD. Mr. Speaker, I rise today in support of this resolution that expresses our unwavering support of our troops and our opposition to the escalation in Iraq. This is an extremely important debate and it is one that is long overdue.

We have lost over 3,100 brave Americans. Many more will return home with mental health and physical wounds that will stay with them for the rest of their lives.

We have spent hundreds of billions of dollars. Hundreds of thousands of Iraqis have lost their lives or fled their homes as their country has fallen into deeper civil war.
Regardless of one’s opinion on how we got into Iraq, we are there, and the situation is deteriorating. So the simple question before us is, What is the best plan for the future? The President has called for an escalation of troops; in other words, more of the same.

I oppose an escalation of U.S. troops in Iraq. I will not support funding for the President’s plan or blank checks for an open-ended commitment.

We need a new plan, and escalation is not what the Iraq Study Group called for. It is not what our top generals have advised, and it is not what the American or Iraqi people want. When General John Abizaid, former top commander in Iraq, asked his commanders in the field if more U.S. troops would help, the unanimous answer was no. As he said: “And the reason is because we want the Iraqis to do more. It’s easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.” U.S. forces cannot clear and hold neighborhoods in Baghdad indefinitely. We have tried so-called “surges” before, and they have not stopped the violence. And as with these previous surges, when we leave, the same problems will return, and perhaps even worse.

The reality is that United States military strength cannot solve the problems in Iraq nor should it. The future rests on the capability and the will of the Iraqi people. Our continued dominance only prevents Iraqis from taking control of their country and their destiny. The military mission of toppling Saddam Hussein is over. The political mission, the reconstruction mission, the nation-building that this administration said it would never do has all but failed.

But that is what we must now address, not our strength of arms but our strength of diplomacy and our power to rebuild.

Our new strategy should be to withdraw and redeploy our soldiers quickly while empowering the Iraqi security forces. We can help to rebuild and create economic opportunity, to train Iraqis and perform other assistance as asked to in Iraq. We cannot remain the dominant force in Iraq.

It is time for Iraqis to take control of their own country. A stabilized, secure and free Iraq can only be achieved when Iraqis take full control. Until that time our forces will be stuck in the middle of an increasingly violent civil war and all the while Afghanistan sliding back into danger and violence and al Qaeda continues to plot while we are there, and when they are in harm’s way and when they come home.

I have heard from many Vietnam-era veterans who fear that our new veterans may face many of the hardships that they faced. This cannot happen. As a member of the Veterans Affairs’ Committee, I am committed to addressing the mental health and physical needs of our returning heroes, and I know the American people are willing to do that as well. And as we discuss alternative strategies, it must be clear that we must do something that fully supports our military personnel.

This resolution is not about politics. This issue should unite all of us. This is about the future of Iraq, our strategy abroad, and our welfare for our troops.

Mr. BUYER. I yield myself such time as I may consume.

I would ask the last speaker if he could remain for a moment. I have such great respect for my colleague, Mr. MICHAUD of Maine. We have worked together on the Veterans’ Affairs Committee. We deal with the consequences of war. And so out of my respect for Mr. MICHAUD, I would like for us to clarify what may be a potential contradiction.

The gentleman said that, and correct me if I am wrong here, unanimously commanders did not ask for an increase in troops. According to General Peter Pace, the Chairman of the Joint Chiefs, and this was in his testimony before the Armed Services Committee on January 11, 2007: “So, collectively, the military commanders, both U.S. and Iraqi, have asked for this increase. And those of us in advisory positions agree with their request.”

“General Casey and his Iraqi counterparts have determined that there are more forces needed . . .

“To do this, we’re going to need additional U.S. forces. General Casey and General Abizaid have asked for those additional forces, and we have the commanders below them.

“In addition, to reinforce success at Anbar province, the Marine commander out there has asked for, and General Casey and General Abizaid have asked for, an increase of about 4,000 troops.”

“So, collectively, the military commanders, both U.S. and Iraqi, have asked for this increase.”

That was our testimony of our Chairman or the Joint Chiefs before the Armed Services Committee. So I will yield to the gentleman and ask if he was aware of General Pace’s comments before the Armed Services Committee because it appears contradictory to the gentleman’s statement.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman for yielding. Yes, that was a quote in a paper from General Abizaid where he said that they requested no additional troops, and I will try to find that good gentleman to get it hopefully to him tomorrow.

Mr. BUYER. Mr. Speaker, I just want to make sure our record is clear because we have got the Chairman of the Joint Chiefs quoting General Abizaid. So I want to work with the gentleman. Thank you.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman very much. And I will find that quote, because you know sometimes quotes get misquoted; so I will get that for the gentleman.

Mr. BUYER. Mr. Speaker, I now yield 8 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, failure in Iraq is not an option. We enjoy our freedom today only because we have been willing to fight for it in the past. We must win the war on terror that has been thrust upon us.

Before going any further, let me first clearly state that I do not believe we should have an open-ended commitment in Iraq. I believe a new strategy is needed. Americans expect more of the world’s greatest legislative body.

Let us not debase the honor and tradition of the great men and women who have served before us. We are duty bound to serve the public and engage in serious lawmaking, not political pandering. This resolution does nothing. Worse, it endorses the status quo of the violence and bloodshed. Maintaining the status quo is what ultimately resulted in the situation we find ourselves in today.

The debate before is more consequential than the question of should we engage in a troop surge or not. None of us want to see Americans unnecessarily be put in harm’s way. The debate before me is about the global threats facing the United States and how we choose to respond to them. Failure to forcibly respond to previous acts of terrorism has undermined America’s credibility around the world and projected us as weak to our enemies.

The protests today include: the World Trade Center in 1993; U.S. troops in the barracks in Saudi Arabia; sailors on the USS Cole; and
the bombings of the U.S. embassies in Kenya and Tanzania. Unfortunately, Americans were too quick to forget these terrible acts. 

Mr. Speaker, I am now pleased to yield 5 minutes to the gentleman from Illinois (Mr. Lipinski). 

Mr. LIPINSKI. Mr. Speaker, I thank the gentlelady for yielding. 

Mr. Speaker, I rise today in support of this resolution and in support of a new policy in Iraq. Up until this point, the Bush administration's Iraq policy has repeatedly appeared to be one of America's worst foreign policy blunders. More than 3,100 of our brave men and women in uniform have been killed and more than 24,000 have been wounded, many very seriously, and hundreds of billions of dollars have been spent and in some cases wasted. This has resulted from the tactical mistakes, errors in judgment and other major missteps by the Bush administration. 

It is painfully clear that a change in strategy in Iraq is needed now. We need a plan for bringing stability to Iraq and bringing our troops home. Unfortunately, the President's plan to add over 20,000 additional troops does not provide this, and, therefore, I must support this resolution. 

I see three main flaws in the President's plan. 

First, the administration has not provided convincing evidence that this surge will succeed after many similar plans have failed. After almost 4 years in Iraq, the American people are asking—why should we have faith in this plan and place more troops in harm's way? 

Second, by failing to provide clear benchmarks for success or a time frame by which we can expect the surge to yield positive results, the President's plan appears to commit our troops to a "stay the course" strategy with no clear end in sight. Aid should be tied to a deadline for progress by the Iraqi Government. 

Third, and most importantly, the President continues to place too much emphasis on a military solution, when it is clear that force alone will not solve this crisis. Solutions must support broad international engagement to promote stability and reconstruction in Iraq and must address political, economic and religious issues. 

Because of the need for such a plan, earlier this week I introduced H.Res. 152 based on these. My recommendations, and this week I introduced H.Res. 152 based on these. My proposal consists of three core recommendations. 

First, encourage achievement of important goals and national reconciliation, security and governance by arranging a peace conference for Iraq's ethnic and religious factions, similar to the conference that led to the Dayton Accords. One venue for this would be El Salvador, which has shown a one last 6 years of rebuilding and reconstructing Iraq and has gone through its own recent history of a bloody civil war and ensuing reconciliation. 

Mr. BUYER. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. Gohmert), a former Army captain. 

Mr. GOHMERT. Mr. Speaker, I thank my friend from the gentleman from Texas. 

Mr. Speaker, like many others here, previously I typed up different potential remarks for this debate. But as I have listened to the debate over the last couple of days, I kept hearing some things being said over and over
One of the things I have heard over and over and over is that Saddam had weapons of mass destruction. He killed thousands of Kurds, gassed thousands of people. Certainly he was killing with mass destruction, but if you happen to believe really, honestly, truly honestly that the President lied, then it is time to forgive President Clinton for all those lies. Forgive Madeleine Albright for all those lies. All the time, Madeleine Albright and Bill Clinton told us over and over again that there were weapons of mass destruction, and if President Bush happened to have believed President Clinton and Madeleine Albright and those people that were saying there were weapons of mass destruction in Iraq, well, I guess they just should not have believed in their administration. But there were things that the Clinton administration could base that on, but we have got to get past that. It just seems to engender so much hatred.

I have heard people say over and over this is a historic debate because the Republicans never allowed this debate when they were in the majority. I remember having discussions like this twice in the last Congress. We voted on a couple of resolutions, and people would line up one thing and then end up voting another on the resolution. Now, I did hear one of my friends across the aisle say something I do agree with. He said he did not believe it was appropriate to tell troops they were coming home on a certain date and then change that. I agree, and a number of us have been pointing that out to those in the military and to the White House. That needs to stop. When you tell somebody who is in harm’s way you are coming home on a certain date, they are going to want to come home. We can agree on that.

But then I heard another say, we need to avoid a constitutional crisis by shocking this President into a new course of action. You shocked him into a new course of action. He said we are going to send 21,000 troops over there, 21,500. In fact, people like Harry Reid down in the Senate have been calling for that. All fall, maybe cracked as recently as December, let’s wait, as soon as the President calls for it, then it is a terrible thing; we cannot believe that he is doing this.

So the President has proposed something new. His commanders in the field said they need this and so it is being done. We have got troops already arriving and more arriving all the time. I heard another one make reference to Vietnam, and one in indignation said, have we not learned anything from Vietnam? I would submit, I believe, Mr. Speaker, apparently not, because some people want to rewrite history; but the fact is, if you go back, the people were saying get out of Vietnam, get out of Vietnam, get out of Vietnam, people were saying this now in Iraq, and so President Nixon tried to get folks out. For all his faults, and he did have plenty, and you will not hear me say I think he was a great President because he lied, but one of the things he did do, he saw the polls and started trying to get people out of Vietnam.

When we started the Paris peace talks, things broke down. It was not going well. He decided to bomb North Vietnam. He was carpet-bombing Hanoi, and as Sam Johnson and those who were in the Hanoi Hilton said, they were worried they might be hit by the bombs, but they were so glad, finally the United States was reacting and responding, and as Sam says, when he left, to get the chronology correct, the bombing went on. They came back to the peace talks, and we reached terms, and the POWs, most of them were coming home. One of the leaders at the prison said, you know, if you guys had just kept bombing a little longer, we would have had to surrender completely.

That was a winnable war, but people were not doing what it took to win so that we could have a good reputation. If you go look at our enemies and al Qaeda’s, the rhetoric now in Iraq, Afghanistan, around the Middle East, they are saying look at what they did in Vietnam. They promised their allies they were going to stick with them. Gerald Ford has been quoted recently. What a fine man. I hear people on both sides of the aisle at his funeral and after his death. He begged this Congress and this House please do not cut off the funding; we promised them funding even after we pulled our troops out. But this Congress said, no, we are cutting the funding, and we have been harmed ever since.

So in 1975, in Vietnam, they were bold enough. An attack. An act of war, that is what attacking an embassy is, and I was at Fort Benning at that time. Nobody was dying to go to Iran, but everybody I knew was willing to go and die because we had been attacked, and that was the first act of war in this war involving terror, and we did not respond.

We did not respond in 1983 when our barracks were attacked and our marines were killed. We withdrew 1991, on through the 1990s. We have not responded, but I want to touch on one other thing.

I saw the majority leader come down. I was privileged in the wee hours this morning. I did not realize it went on, and he came down and challenged what Heather Wilson, who had left the floor, said, and ultimately said basically, that anybody that would come and say, as she did, that there might be a problem with Democrats being willing to support and fund the troops as needed, and he said to come and say anything of that nature was just not honest. I think it comes close to violating the rules if it does not, but the fact is, we had just been right here and she had asked her Democratic friends across the aisle, look, if you are really willing to say that, if you are saying that this resolution means we will always provide everything that is needed to our troops, let us put it in the resolution. We will have a unanimous-consent amendment, we will both agree, and it was not agreed. The Democratic majority would not agree. The Rules Committee did not agree. The Democratic leadership did not want that in there.

So, to say it goes without saying ain’t the way it should be. It ought to be in print. It ought to be here said in black and white because Heather Wilson was right: if you really believe that, put it in black and white where our troops can see, and I would just in conclusion leave you with this: this resolution for what it does and does not do, it is a stay the course, stiffen the enemy, start our collapse, and you look at our friend Murtha’s comments to say, that is what this starts the process for doing.

Ms. ESHOO. Mr. Speaker, I am very happy to yield 5 minutes to my colleague from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, as I began to consider the comments I made today during the debate tonight on the occupation, escalation and gravitation of the U.S. military action in Iraq, I concluded that my visit to this well must somehow echo the threat and frustration of the people who sent me to represent them in the people’s House.

Tomorrow, the United States of America should begin a massive and voter-mandated salvaging operation in Iraq. Yes, as bad as conditions have gotten, there are important and valuable things that could be salvaged. A tarnished international image clings to a nation like a shadow to a human being. It follows a nation to the next
world crisis. It cannot be blamed for faulty intelligence, and it spoils opportunities to influence a world desperate for direction. Henceforth, we must conduct our foreign policy in a manner which salvages our sunken international image. Because of the flawed public perception of the United States, we have launched a military action in Iraq, our prestige among the community of nations has suffered. Nothing deflates as fast as a punctured international image. We cannot whistle a symphony. It will take an orchestra of many international players willing to make music in the same key. The days of the international soloist or a conductor without an orchestra are past. We must salvage the soul of the nation even though at this hour all the purple thumbs that have been raised, the war is overran Iraq in response to an American national security threat. We won. Let me address a part of this debate which has frustrated me because of its defective logic. Over and over again, many of my honorable colleagues have stood behind this distinguished desk and warned that the debate on House Concurrent Resolution 63 will demoralize the players. Such a warning by the General Manager would be ludicrous if not loony. Why? Because the players of the Kansas City Chiefs are professionals who cannot be so easily defamed. And friends, neither can the men and women who form the fiercest fighting force in the history of the planet Earth.

The Kansas City Chiefs is my team. The General Manager, Carl Peterson, would never go to the sports editors of the local media and admonish them not to criticize the game plan of Coach Herman Edwards because it will demoralize the players. Such a warning by the General Manager would be ludicrous if not loony. Therefore, let me address a part of this debate which has frustrated me because of its defective logic. Over and over again, many of my honorable colleagues have stood behind this distinguished desk and warned that the debate on House Concurrent Resolution 63 will demoralize the players. Such a warning by the General Manager would be ludicrous if not loony. Why? Because the players of the Kansas City Chiefs are professionals who cannot be so easily defamed. And friends, neither can the men and women who form the fiercest fighting force in the history of the planet Earth.

After all the ethnic and sectarian human butchering, after all the billions spent, after all the children of God killed, after all the maimed who have been hospitalized, after all the screams and the other half in hospitals. Some have said that this conflict will last for decades. Nevertheless, that kind of policy or lack thereof has caused young Americans to ask: Will we ever see the last of this war, or will it see the last of us?

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Mr. Speaker, for most Americans war does not pay, but it must be paid for. And, to date, we have spent billions and billions of dollars that could have been spent for valuable programs to set this Nation on the right course. We must salvage our relationship with the family of nations. We must salvage what is left of our Treasury.

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After all the ethnic and sectarian human butchering, after all the billions spent, after all the children of God killed, after all the maimed who have been hospitalized, after all the screams and the blood is still flowing. We cannot salvage the soul of the nation even though at this hour we seem to have lost our way.
So where are we? We are thankful for the incredible work of our military in winning phase one and two. We are aware, and I think all of us are aware, that only the Iraqi people can win phase three.

It is a tragic mistake to charge our warfighters with building an Iraqi national consensus. Iraqis must decide for themselves if they want to live in a unified, pluralistic, and peaceful Iraq. No amount of American military might can compel that result.

So I ask my colleagues, Thankful for the successes and the outcomes that we can control; aware of the outcomes that we cannot control.

Where do we want to be? We want the Iraqis to take responsibility for their own country. The President is wisely pressing them to do so. We want the Iraqi leadership to make some key political decisions that can bring reconciliation. We want them to divide up the oil fairly, to allow banned Baath Party positions of public trust, and to develop a working model of pluralism. We want the Iraqi leadership to know that they don’t have forever, and that they should settle these reconciliation questions quickly. And we want to avoid the error of nation building.

The job of the U.S. military is to crush, kill, and destroy the enemies of the United States. They are not nation builders; they are warriors, and they do their jobs very, very well.

As commanded, our military entered Iraq to destroy what we understood—believed were threats to our national security. We were successful in destroying those threats and, thereafter, in interrupting terrorist networks. Those were outcomes that we could control.

Now, we are rightly asked for inputs that we can control, but we are faced with outcomes that only the Iraqi people can control. It is right to evaluate the quality of our force’s inputs, but wrong to hold them accountable for outcomes beyond their control.

Diplomats, statesmen, peacemakers, and everyday Iraqis must work to develop a path to progress, a path that has milestones along the way, and which has rewards for meeting those milestones and consequences for failure.

If the Iraqi people follow the path to progress to a peaceful, pluralistic, and unified Iraq, they will have been successful. The path may lead to something less. Any lesser outcome is the responsibility of the Iraqi people. So we want a path to progress, and we hope for the blessings of liberty for Iraq.

Now, how do we get there? The President has ordered an increase in troop strength in Iraq. He thinks a surge in troops will give breathing room for the development of a path to progress. I am concerned that a surge will have the opposite effect: that we will give breathing room to the death squads; that our servicemen and women will be caught in the crossfire; and that the surge will end right where it began. In fact, that is what happened in Baghdad in August and September of 2006.

I am concerned that a surge sends a conflicting message. On the one hand, we are telling the Iraqi leadership, “Hurry up, you don’t have forever.” On the other hand we are saying, “No, not to worry. We are increasing the size of the American security umbrella.”

I want all Iraqis factions and all leaders of Iraqi factions to worry. I want them to worry about the button that would bring down that security umbrella. I want them to imagine the click of the button and the feel of the wind from that descending umbrella.

The resolution before us isn’t written the way I would have written it, but it is the resolution before us. Resolutions are the way that Congress discharges its constitutional responsibility to communicate with the President. This resolution says we disapprove of the surge because we say surge is a tactic, not a strategy.

This resolution is a plan for escalation. The President’s escalation of U.S. combat troops in Iraq is wrong.

It is in honor of their service and the sacrifices of that Great Generation, the generations of our military men and women who served in service in defense of our Nation. Their sacrifices of that Great Generation are legendary, and they are a reminder of the sacrifice of the current generation of our military men and women who have heeded the call to service in defense of our Nation. Their patriotism, their willingness to put themselves in harm’s way, possibly to pay the ultimate price for our Nation, should give us pause.

Mr. Speaker, I stand here with great sympathy for the mothers and fathers, sons and daughters, whose loss is irreparable. I stand here tonight firmly and strongly in support of this resolution, in support of the troops, and in opposition to the President’s escalation of our military involvement in the war in Iraq.

Let there be no misunderstanding. The men and women serving our Nation in our Armed Forces will continue to receive the support they require during their training, while they are in theater and when they return home.

It is in honor of their sacrifice and service, and the love of our country that we share that I stand to make it clear that the President’s plan for Iraq to escalate the number of troops and to continue his failed conduct of this war is wrong.

Escalation of this war will not make our Nation safer. Escalation of this war will not stabilize Iraq. Escalation of this war will not move us closer to bringing our troops home. Escalation of this war will not serve the interests of everyday Americans in the forefront. There is so much more to do, here at home, and in our relations internationally, than to risk the security and opportunity for all Americans.

The war in Iraq overshadows all that we do. The war has already cost this Nation so much, young lives lost, greater uncertainty and instability in the Middle East, greater hostility towards our own Nation and financial costs that will take years to repay. So it is timely and right that we take action now to change direction and strategy in Iraq.

I stand with the majority of Congress in support of this resolution, in support of our troops, and in opposition to the escalation of U.S. combat troops in Iraq.

I urge all Iraqi factions to worry. We are increasing the size of the American security umbrella and we are telling the Iraqi leadership, “Hurry up, you don’t have forever.”

We are increasing the size of the American security umbrella and we are telling the Iraqi leadership, “Hurry up, you don’t have forever.”

To do so, he must demand that the Iraqis take charge of their own security and opportunity for all Americans.
Iraq. This resolution sends the President a very strong message. It is our hope and the hope of the American people that he heed it.

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

As understood by the gentlelady’s remarks, I would think she would be in support of the President’s plan. I agree with her when she was talking about what is necessary for Iraq to govern itself, but in order for this country to begin to govern itself, it also needs to have security, and the Iraqi people themselves must have a belief in the support of that new unity government.

Now, with regard to the Iraqis themselves, whom we have been training, that is, the Iraqi Army and the Iraqi police force, that is exactly what the plan is. The plan is for the Iraqis to take the lead.

So the gentlelady’s remarks confuse me, because as she says, I want the po-new federalism. That is the challenge. Their challenge is to con-mote Iraqi unity was really deep on-ernization of their electrical grid. Pro-

lishment of the rule of law, we talked with technology, intricate rules of en-gagement designed to eliminate the loss of noncombatant life and a tough, innovative and savvy enemy. Our sol-diers who are in the fight are watching and listening.

The world of an American soldier is more complex today than ever before, with technology, intricate rules of engagement designed to eliminate the loss of noncombatant life and a tough, innovative and savvy enemy. Our soldiers live and measure value by sim-plenduring imperatives. They place a lot of value in loyalty. They count on each other, loyal to each other, to their commanders and to their oath to defend the Constitution, and their love of country helps them do their duty. A warrior bears true faith and allegiance.

Members of our Armed Forces live and die by the readiness of their bud-dies to express their loyalty in the con-duct of faithful duty. They expect no less of their leaders up the chain, whether they wear the stripes and dia-mond of a first sergeant, the eagles of a colonel, or the stars of an admiral or general, or their leaders in govern-ment, both executive and legislative branches.

Yet, in response, what do we offer? The fortitude of contradiction I say. The Senate unanimously confirms a new multinational force commander, General David Petraeus, whose most compelling value is perhaps his reputa-tion for unrivaled understanding for how to grasp of dynamics.

Yet the authors of the resolution be-fore us seek to deny our best com-mander the manpower assets he has asked for to prevail. What a disturbing contradiction. The Senate unani-mously says, this is our com-mander. Before they vote and say we are going to send you, he says, I need these five brigades. Then this body drafts a resolution that says, we do not think he should have the five brigades.

I suppose we have the Senate and the House now in complete contradiction. General Petraeus is a decisive man who has a decisive strategy, and he intends to reinforce our troops and root out the enemy. Aside from the gratuitous insult that is smothered on him, moving in reinforced strength to destroy an enemy is a time-honored and frequently successful course of military action.

It is so especially when conducted by a capable commander. We have already agreed that General Petraeus is such a commander. Many of us know that this is what our troops yearn to do. It is what Americans yearn for us to do, prevail.

Yet, I do not believe any one of my colleagues is tempted to try some contextual mis-chief, we all know that military vic-tory with the right strategy is only part of the equation of success in Iraq. Real success is not a quick, easy affair. I might offer success as defined by the establishment of a stable, popularly elected government, the rise of the rule of law, and the stability necessary to foster the growth of a strong middle class.

The answer is, the Senate will take a combined and con-tinued effort using diplomatic, information and economic levers. But those levers cannot fully operate with-out security. And that is the challenge I have in listening to this debate. We in Congress have confirmed General Petraeus and sent him now into battle.

And what now do some want to do with him? They seek to turn the House floor into a cockpit of battlefield wis-dom to disavow his strategy. Some may say, go to Iraq, Commander. Dis-regard the strategy you talked about in the Senate. Instead use your brilliance to conduct a feckless cam-paign of status quo.

The resolution before us disavows the human assets our commander needs to accomplish his mission. But then it says, we support the troops. How can you say we support the troops but you don’t give the commander that which he says he needs? I do not understand.

I am a colonel in the Army Reserve. I have served for 26 years this Nation. How can you say to me, Steve, I sup-port you. I will give you the beams, the bullets, the ammo, the water. I will
give you anything you need, but do not ask me for any troops and good luck on your mission. Because you do not get to ask for reinforcements. You do not even get to ask for anybody else.

As we know the Pelosi-Murtha real strategy is to slowly bleed our battlefield commander dry. They know he cannot prevail waging a campaign of the status quo. So some will slowly reduce funding for his Army in an effort for it to wither on the vine. And it to me is disgraceful.

Ladies and gentlemen, does this fit the definition of loyalty and support of members of the United States Armed Forces serving bravely in Iraq? Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, as Members of the 110th Congress we are about to cast one of our most important votes yet. Americans in my district of southern Arizona and across the country want their Representatives to bring the United States’ involvement in Iraq. This vote is the first step towards doing precisely that.

A few weeks ago President Bush gave a nationally televised speech to the American people to announce his new way forward for Iraq. But it sounded strangely familiar. The President acknowledged that his policies and plans in Iraq had failed to yield the promised results, and yet his only suggestion was to do more of the same.

During my first few weeks in Congress serving on the House Armed Services Committee, the Foreign Affairs Committee, I have been listening, learning, asking tough questions, I have participated in many hours of hearing, and briefings with top administration officials.

Those people include Secretary of Defense Robert Gates, Chairman of the Joint Chiefs of Staff, General Peter Pace, Secretary of State Condoleezza Rice, Secretary of Commerce Harvey, Secretary of State Condoleezza Rice, former Congressman Lee Hamilton, co-chairman of the bipartisan Iraq Study Group commissioned by the President.

Since being sworn into Congress, I have also been reading dozens of letters sent to me by my constituents, flying home to my district almost every single weekend to meet with concerned citizens.

Recently I attended a returning warrior event in Arizona for Reservists coming back from combat. And last week I visited Walter Reed Hospital in Washington, D.C. to speak with wounded soldiers and their families.

These collective experiences have made me more confident than ever that the global war on terror and the situation in Iraq are more complicated than President Bush seems to realize. Common sense dictates that in order for any plan to succeed, it must respect the Iraqi people to calm the sectarian violence and unify behind a workable political structure.

The President’s plan fails to acknowledge the lack of willingness and capacity by the Iraqi political and religious leaders to achieve these necessary goals. Sectarian factions are divided more than ever. Without the serious and unified motivation of the Iraqi people, the President’s proposals to send more American troops into harm’s way amounts to little more than having 21,000 more soldiers stay the course.

This I cannot support. The President should consider the views of many active and retired military generals who advised him to change his strategy in Iraq. Instead of adding more soldiers, he should instead focus on some of the best recommendations set forward by the bipartisan Iraq Study Group that he commissioned.

These recommendations include keeping Iraq rapid reaction and special operation forces in Iraq to strike al Qaeda military component and hold them accountable, providing economic assistance to Iraq that will help create jobs, strengthen infrastructure, and improved Iraqi capacity to be independent and stable.

Last but not least, beginning a new dialogue with Iraq’s neighbors because they need to be part of the solution. The basic message of the Iraq Study Group and other credible experts and strategists is that the situation in Iraq is a political not just a military crisis.

The President’s military escalation plan without a political component is bound to fail. Along with all other patriotic Americans, I strongly support our men and women in uniform who are risking their lives to protect and defend our Nation.

Our Armed Forces must have the tools, the training and the support that they need to be successful in any mission. I have serious concerns, Mr. Speaker, that our Army, Marine Corps, along with Guard and Reserve forces are being stretched too thin.

Instead of sending 21,000 more young American soldiers to Iraq as part of that same failed strategy, the President should focus on the Global War on Terror. Failure is not an option. America must prevail against many serious threats around the world, whether in the Middle East or elsewhere.

Mr. Speaker, I will vote to support the resolution because the brave men and women in uniform deserve a strategy that honors their sacrifices. The President’s plan does not do that.

Mrs. DAVIS of California. Mr. Speaker, I am now happy to yield 5 minutes to the gentlelady from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, there is no more important issue facing our Nation today than the prolonged, painful, deadly war in Iraq. Next month America’s courageous and determined troops start year 5 of combat operations inside Iraq.

As Iraq continues to deteriorate into a failed state of endless killing, President Bush has decided not only to stay the course but to escalate America’s combat presence.

The resolution we debate tonight puts Congress in step with the American people in response to President’s escalation of the war. This resolution supports our troops and sends a clear message to President Bush that he is increasingly isolated in believing that Iraq’s future can only be salvaged by sending more Americans into their civil war.

Let us remember that year 5 in Iraq will start with over 150,000 U.S. troops in the midst of an Iraq civil war. Year 5 in Iraq will start with over 2,600 Minnesota National Guardsmen and -women who have already served and sacrificed for a year, being ordered to serve an additional 4 months of duty. Year 5 in Iraq starts with over 3,100 American troops having sacrificed their lives and nearly 24,000 troops having sacrificed their bodies.

To all of our veterans and their families, I offer my prayers, and I pledge my support in the difficult months and years ahead. With a true sense of humility and respect and admiration for their service and sacrifices, I thank you. I thank your families for what you have endured.

Our troops have always done their jobs with skill, with determination, and courage. And now it is time for the elected leaders of this Nation to respond with courage and skill and forethought to the challenges presented in Iraq. It is time for the people of Iraq, the diverse ethnic groups, the religious sects, their tribal leaders, to decide for themselves whether their future is to be one of ongoing murder, revenge, or reconciliation, or a peaceful cooperation and security. It is time to end Iraq’s dependence on U.S. troops and to fully transfer the responsibility for security and governance to the Iraqis. It is time to start the process of bringing American troops home safe, secure, and time to focusing this war in Iraq to an end. Achieving peace in Iraq will require an Iraqi political solution.

Peace requires a robust, active, tireless diplomacy from the United States, in partnership with Iraq’s neighbors and the entire world community. This Congress has the authority and the obligation to advance a foreign policy vision rooted in the belief that Iraq’s future requires shared global commitment.

Tomorrow Congress will pass this bipartisan resolution. This resolution is important because it is the second step in putting the White House on notice. The first notice was delivered to President Bush by the American people last November when they elected a new majority to Congress. The American people wanted this very debate to take place, because they reject the “stay the course” status quo in Iraq.
Instead of hearing the American people, instead of acting on the recommendations of the Iraq Study Group, instead of learning from his past mistakes in Iraq, President Bush decided to escalate the war.

Relying on the counsel and the advice of experienced statesmen and trusted military leaders, President Bush acted alone and decided to escalate the war.

Now our President calls himself the Decider. Of course, not the President, are the ultimate decision-makers in our democracy, and the people and this Congress have decided that the escalation of combat troops into Iraq is misguided. This Congress has the authority and the obligation to hold the President accountable, and this House is ready to exercise its constitutional powers.

The American people are demanding action to end this war in Iraq. Let us listen to the American people. Tomorrow was an important resolution and begin the process of working together as Americans to end the war in Iraq.

Mrs. DAVIS of California. Mr. Speaker, I am now happy to yield 5 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, as we approach the final day of the debate on this resolution, I have enjoyed the debate thoroughly. I have found it humorous at times. Our friends on the other side have tried every argument they could possibly muster. They have talked about President Clinton, they have talked about Vietnam, they are trying to bring up Israel, and my friend from Indiana also mentioned the issue of consistency. And I find it funny that the pro-life, self-proclaimed pro-life party is the party that wants to keep extending the war. I find it ironic that all of the great budget hawks in the Republican Party want to throw $8 billion a month to keep going and going as we borrow the money from China.

But I have also found the debate, at times, disappointing, where Members of the other side have questioned our side and they have said, whose side are we on? And how can we say that we support the troops, and that we are, somehow, unpatriotic.

And I would just like to say that when the Republican Party and this President didn’t send enough troops, we didn’t call you unpatriotic. And when you sent your young soldiers over there without the body armor, we never called you unpatriotic.

The SPEAKER pro tempore. The gentleman to my left is an Air Force Academy grad and he is the Air Force Reserves, and he flies C-5As right into Baghdad. He knows what that is like.

And I want to make just a few more points, Mr. Speaker. One is this. With the last vote for the war, regardless of what party you were in or how you voted, we assumed that the President and the Secretary of Defense would send our troops over there with the proper equipment. But with this escalation, Mr. Speaker, we know that the 21,500 troops that are going to go over there will not have the proper Humvee kits, the up-armor for their HUMVEES. They won’t have the proper jamming devices or enough of them, and they won’t have the number of trucks that they need.

You now know it. So if you vote against this resolution, you are voting to send our troops over there without the proper equipment before it could be excused because we trusted the President, assumed, but now we know.

And, finally, Mr. Speaker, we have heard a lot over the last couple of days about the American Revolution and the Civil War and World War II. Well, Mr. Speaker, our President today is not Washington, he is not Lincoln, and he is not Roosevelt. So I think our Republican colleagues should take the advice of the Secretary of Defense, and the President and the President you have. You don’t go to war with the President you wish you had.

The SPEAKER pro tempore. The Chair must remind Members to address remarks to the Chair.

Mr. BUYER. Mr. Speaker, it only makes Members look silly if they pollute the debate.

One thing about war is that you have to improvise, adapt, and overcome. Right? You hear that a lot. We do it and our enemies do it, and it is extremely important.

Mr. Speaker, I yield 10% minutes to the former veteran of the Arizona National Guard, Mr. SHADEGG.

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

And just to follow up, I was going to actually begin my remarks tonight by quoting the tremendous speech I thought that was given by my colleague Mr. McHugh. I believe it was the night before last, in the midst of this important debate. And I think this is an extremely important debate. Indeed, I think this is the most important debate in my 12 years in the United States Congress and I would assert the most important debate this Congress may, indeed, ever have.

But with regard to being unpatriotic, I want to make my position clear and want to reference what Mr. McHugh said.

First, I respect every Member on the other side of the aisle, and I respect...
their right to express their views. And, quite frankly, the other evening when I spoke in this debate, I said I respect and share their frustration, both at where we are in this war and how we got there. But the gentleman pointed out that he hadn’t heard anybody labeled unpatriotic. I think Mr. McHugh’s comments were quite in tone with what I have heard in the portion of this debate that I have watched, and I have watched a lot. And he said, “I have listened with great interest, and I have enormous respect for Members on both sides of the aisle.” I have that respect. I have the respect for the sincerity of my colleagues on both sides of this aisle. We have, however, an important disagreement which deserves to be aired.

I think there is an important question that needs to be asked. That question is, if we do not defeat radical jihadists in Iraq, the radical Islamists with whom we are at war there now, if we do not defeat them in Iraq, then where? And if we do not defeat them now, then when?

Let me first start by making a few points about the record and setting the record straight. Texas pointed out a few moments ago that we are each entitled to our own opinion, but not to our own facts. I would suggest that there is a fact across this Nation, an accepted fact, which is flat untrue. And it was referred to in the debate here just a few moments ago. And that is the notion that Shia and Sunni have been at war with each other for hundreds of years and killing each other for hundreds of years.

Today, the bipartisan Antiterrorism Caucus met, and we heard from an expert from Brookings, and he said that is simply not true. The notion that we are in the midst of a civil war that has gone on for hundreds of years simply is not true. It is not a fact.

What is a fact is that we face an extraordinary enemy, an enemy that hates us, an enemy that has been taught a set of beliefs that requires them to kill us; that requires them to kill all Americans, all Westerners, all unbelievers; indeed, a radical jihadist sect that calls for them to kill many Muslims and to do so without excuse. To break all law in doing so. To ignore international law in doing so.

I would encourage my colleagues to read this book, “Knowing the Enemy” by Mary Habeck. I read it after she spoke to the bipartisan Antiterrorism Caucus. I want to read a few paragraphs out of this book because I believe it is important to understand: “Jihadist ideologues use this generally accepted belief to argue that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible. This may conflict with their vision for a single Islamic caliphate, they will not allow a compromise or concession to be made because they believe they must adhere to Islamic boundaries to remain true to their beliefs.”

We have been told over and over and over again that these jihadists, the radical jihadists, hate us. In the debate earlier on this floor I asked my colleagues, I asked anyone on either side of the aisle, if you can name for me a single radical jihadi leader who has said that if America leaves Iraq, if America will pull back from Iraq, the war will end? I have asked that question at least twice, maybe three times, and nobody has taken it up. And the answer is because that is not what they want.

I listened to the debate here tonight and I respect it. As I said, I share the frustration that we are in this war. But if you listen carefully to this debate, what you hear is: well, if we stop, the war will end. I am afraid it is not that true. I am afraid it is not that easy. I am afraid it is not that simple. If we were to stop, the war would not end.

Listen to the words of al Qaeda, the words of Osama bin Laden, the words of Ayman al Zawahiri. Over and over and over again, they have told us that that war would not be the end of the war. Indeed, it would not end their war against us.

Let me talk first about Ayman al Zawahiri. Here is his quote: “It is jihad for the sake of God and will last until our religion prevails. The entire Islamic world is our battlefront, and we will attack everywhere until Islam reigns.”

Osama bin Laden: “The whole world is watching this war and the two adversaries; the Islamic Nation on the one hand and the unbelievers on the other. It is either victory and glory or misery and humiliation.”

Ayman al-Zawahiri again: “The jihad in Iraq requires several incremental goals: expel the Americans from Iraq, establish an Islamic authority or amarat, extend the jihad to secular countries neighboring Iraq, and then the clash with Israel.”

And last, Osama bin Laden: “Hostility toward America is a religious duty. We hope to be rewarded by God for it. I am confident that Muslims will be able to end the legend of the so-called superpower that is America.”

There is no end to this war simply because we choose to stop fighting. It will not go away.

Let me refer again to Mary Habeck and “Knowing the Enemy,” which, Mr. Speaker, I hope you have read and all others who participate in this debate will read.

“The three main jihadist ideologues make clear a central point of the ongoing war with falsehood: That it will continue until Islam has liberated the entire world from darkness, tyranny and servitude. Jihadists thus neither recognize national boundaries within the Islamic lands, nor do they believe that the coming Islamic state when it is created should have permanent borders. Recognition of such boundaries would end the expansion of Islam and stop offensive jihad, both of which are transgressions against the laws of God that command jihad to last until judgment day or until the entire Earth is under the rule of Islamic law.”

It would be nice if we could ask this war to go away, but it won’t. So I ask again, if you do not want to confront them now, then when? And if not now, then when?

This war did not begin in 2003. It began not in 2001 with the attack on the World Trade Center. No. We have been at war with these radical jihadists for decades. In 1979, radical jihadists seized the American embassy in Iran and held American hostages for 444 days. In 1983, radical jihadists attacked the Marine barracks in Beirut; 241 were murdered. In 1988, they brought down Pan Am Flight 103, known as the Lockerbie bombing; 270 were murdered. In 1993, Islamic terrorists attacked the World Trade Center for the first time; six were murdered. In 1996, they attacked the Khobar Towers. I have been to Khobar Towers before it was brought down. I saw where they killed 19 U.S. servicemen. 1998, al Qaeda attacked the U.S. embassies in Tanzania and Kenya. They killed 212 in Tanzania and 11 were murdered in Kenya. In 2000, the Islamic terrorists attacked the USS Cole and 17 are murdered there. 2001, they attacked New York, Washington and Pennsylvania and they killed 3,000.

This war is the heart of the war on terror, and if we do not confront them now, then when? If we do not confront them in Iraq, then where?

There have been parallels to prior wars. I would suggest that this debate is similar, very similar, to the debate that led up to our involvement both in the World War I and World War II. Men of goodwill do like not to engage in war. It would be nice to have been able to believe that Hitler would go away, and well-meaning Americans argued that we should stay out of that war. But ultimately we couldn’t, because ultimately the Japanese empire attacked us at Pearl Harbor and we recognized that we had to be involved in that war.

I would suggest to you that that is where we are now, and I would suggest to you that there is no such thing when you are at war as a nonbinding resolution, and there is no such thing as a resolution that does not do damage to the morale of our troops.

Let me conclude, if I might, just by pointing out that this resolution may send a message to the White House, and I understand and sympathize with the desire to do that. But the more important message it will send is to our allies around the world that America cannot be trusted, that America cannot be relied upon, that America cannot be relied upon. Ultimately they will back down.

Mrs. DAVIS of California. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. MEEK).
(Mr. MEEK of Florida asked and was given permission to revise and extend his remarks.)

Mr. MEEK of Florida, Mr. Speaker, I am excited about being here. I want to thank the gentlelady for yielding. But I am going to put my prepared remarks to the side because I don’t think that is needed at this point, because we are well into debate now, Mr. Speaker, on this very issue of Iraq.

I would like to disclose to the House that I am not a member of the armed services. I have never served in a forward area. I wasn’t even a member of the ROTC. But I am a Member of the U.S. Congress, and I have been federalized to come here to represent my constituents and the people of this great country.

I know sometimes we say some things on the floor that we don’t really mean, and then there are some things we do really mean.

I had the opportunity to go to the White House today to speak to the President on this very issue, and I shared with him, delivered the message from the majority of the Members of this House of Representatives on a bipartisan basis, Republicans and Democrats that have come to this floor and said they are going to vote in the affirmative on this resolution because they don’t believe in the escalation of troops.

A supermajority of the Members of the House have not served in the military. Now, do we respect and honor those that allow us still to salute one flag? You are 110 percent right as it relates to my feelings towards that. And I respect those Members who have been in the ROTC and came up through college and what have you and joined the Reserves and active duty. I trust their judgment. They have the right to say what they want to say when they want to say it.

But I shared with the President that this will pass. And he shook his head and said, “I believe it will pass too, Kendrick.”

I said, “Mr. President, here is something else that we have to be together on, and there has to be some level of compromise.”

Yes, this is a nonbinding resolution, but this is the first time that the President has ever had any, any pressure from the Congress on his original thoughts and what he says military commanders call for.

Now, since folks have been talking about who they are here on this floor and what they have done and chest beating and all, I have been a member of the Armed Services Committee. I am a member of the Ways and Means Committee now and still on Armed Services on a waiver.

I said I wanted to go back to Armed Services because we are at war and we have to make sense here in this House. We just can’t say we are there and we got to stay there as long as we got to stay there, until the last insurgent says that they give up. Well, guess what? They are not going to give up. They are not going to give up, and they are not going to say, well, we are leaving. They are not going to say that.

So if our mission is to stay there as long as the last insurgent is there, so someone would not be looking at troops leaving on the plane saying we won, if that is the issue, then we have to readjust our thinking here.

Let me just share something with you. I told you, “Yes, I believe, but it means a lot.” It sends a message to the country that we heard them last November.”

You know the reason why this House is in the majority for the Democrats this time? You know why? Because the rubber stamp Republican Congress rubber stamped everything that the President sent to this House and to the Senate. And if this was about politics, I would just go home and sit and watch this, and tell my wife, guess what, sweetheart? The Democrats are about to gain a greater majority, because the American people are going to continue on a bipartisan way, not just Democrats, Republicans, Independents, those that never voted before, will start voting because they think that we are not listening.

Now, I am going to share this also with you, what is very, very important. I said, “Mr. President, it is nonbinding, but you are going to have a supplemental that is going to come through, and there has to be language in there that speaks to the point of readiness, speaks to the point of the fact that to you say we are going to send 20,000 combat troops and 3,000 support personnel, that they have what they need to carry out the mission.”

The President heard what I had to say and came right back and said, “Kendrick, do you believe for a minute that I would put troops in harm’s way if the military commanders did not tell us what we had?”

Respectfully I told the President, “It has happened before.” I have sat next to Mr. RYAN in the Armed Services Committee and watched four star generals answer the question, “Do you have what you need?” “Yes, we have it.”

Then we went to Iraq twice. Not once. Not when somebody told me that got off the plane that came back from Iraq and said, “Kendrick, guess what.” In Mosul, in Baghdad, folks getting ready to go out on patrol did not have the right vehicles. They are not going to follow the number of those bipartisan votes, and this is going to follow the number of those bipartisan votes. I know that we are going to start having the kind of oversight we have to have on this war.

They are not going to say, well, we are going to pull all of the troops out of Iraq, and I am not even looking for that, but I am looking for management of this war in Iraq, and I am glad that we are having this debate.

Mrs. DAVIS of California. Mr. Speaker, I yield 6 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am going to bring it back down a notch for a minute.

On Tuesday, I had the privilege to spend time with some of our Nation’s finest. I traveled to Walter Reed Army Medical Center and talked with some of our soldiers who dedicated their lives to protect our Nation and gave their hearts, souls and bodies to the cause of freedom.

As I was driving out to the hospital, I reflected upon the changes in Iraq in the year-and-a-half since my first visit to Walter Reed. During that visit, IED was not a regular part of the American vocabulary, Mr. Speaker. Fatalities were shocking. The mounting death toll was disturbing.

Today, there are insurgent attacks almost every day. Iraq has descended into a deadly civil war, and almost every American has become familiar with the term IED and the deadly impact they have on the young men and women that we send to fight for us in this war.

The terms of war that my good friend from Indiana so well knows, the casualties, death, kidnappings, injuries, helicopter crashes, bombs, amputations, good-byes, sorrow and pain have all become commonplace here.

I have heard that another helicopter was shot down or that three more soldiers died today in Iraq, and soon enough we become numb to the true impact that
this war is having on our troops and their families.

These young men and women represent true honor, courage and selflessness. They also represent the incalculable cost of the war, the price tag that is not mentioned, the lives, limbs, hopes and dreams that will never be.

They are soldiers like a young man I met Tuesday who was travelling on foot with his convey when an IED exploded, and as he put it, blew him up. He had served in Iraq twice before and on his third tour of duty, Mr. Speaker, he became a double amputee, lost his arm and leg. Clearly, his total experience will change him completely.

Another young soldier was spending time with his family when I visited. He has a 6-year-old little boy who talked to me excitedly about how his daddy was finally going to come home forever after August. He, too, had two previous tours and fell severely ill this third time. Amazingly, this soldier hopes to go on his tour with his company when he is better.

As a mom of 7-year-old twins, my first thought when meeting this delightful little boy was that his dad had missed half his life so far, half his life. I could only worry that if he does not get it right soon in Iraq it will not be long before this little boy and my twins will be part of this conflict.

And finally, there are soldiers like the young man who shared so much with me. I was deeply impressed by him because it seemed that he was actually glad that he was badly injured, as opposed to his gunner, because his gunner had a wife and kids and he did not want his buddy’s family to have to look into his eyes like that. He told me he wanted to run for office one day, and our Nation will be better for it.

America’s future depends upon this generation of Americans, but while they fight to protect our country, they are also counting on us to protect them. They are counting on us, the United States Congress and this President, to have a plan, a strategy that gets us somewhere and help get them home and not endlessly commit their lives and their families’ lives to this war.

Ms. WASSERMAN SCHULTZ. You are my hero. Forever and ever. Get your guts to fight with guns anyways. You for protecting our country and me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Even in heated debate, the Members should be more orderly in the process of yielding and reclaiming time.

Mr. BUYER. I thank the Speaker. I am thankful that the gentlewoman gave the answer to her question, and the answer was that it was implicit.

It is very easy in debate to come down and to create a straw man and then attack the straw person. If the gentlewoman has felt that way, that is completely unfortunate. But please don’t say you have been called unpatriotic. That is the exchange I had with the gentlewoman. Don’t accuse Republicans of such things. I am disturbed by that and very bothered.

Ms. WASSERMAN SCHULTZ. Would the gentlewoman yield?

Mr. BUYER. I am more than pleased to yield to the gentlewoman.

Ms. WASSERMAN SCHULTZ. Does the gentleman not understand that when words are used, that they don’t actually have to be exact words to suggest a particular opinion on the part of the Member? And do you really think that it is beyond question that any of the Members on your side of the aisle as they engaged in this discussion and debate did not question the patriotism of our Members? I mean, me thinks thou dost protest too much, as the gentleman stated earlier. I yield to the gentleman.

Mr. BUYER. I thank the gentlewoman for her remarks.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. BUYER. I am more than pleased to yield to the gentleman from Ohio.

Mr. RYAN of Ohio. As I was watching the debate prior to my speech, I wrote down a quote that was stated by the gentlewoman from Indiana looking at the Democrats saying, Don’t we say we support the troops? Question mark. Now, if that is not questioning the patriotism of our side, I don’t know what is.

Mr. BUYER. Now I seek to reclaim my time, because that is a legitimate question.

As the commander in the field, if you say to the commander, “I support
you." All right? What is the commander going to say? The commander says, "All right, I have a mission, and you say I support you." That means, I suppose, that I support you by making sure that you have been properly trained, that you have your uniform, that you have your communi

cation, you have your helmet, you have your body Kevlar. You have what is necessary to accomplish your mission. But do you? If the commander says, "I need more troops to accomplish that mission, you can't have those." Is that then supporting the commander?

That is why I pointed out the contradiction in that the Senate says to General Petraeus. "We agree, you are our best commander to go over there."

And before they took that vote, he said, "I need those five brigades." So they passed the vote and they sent General Petraeus over.

Now we are faced with a vote that says I support the troops, I support the memorandum of understanding.

How can we say, "I support you, but, Mr. Commander, we are not going to give you the troops"? That is the point of the question.

So please don't try to spin it into something that says, oh, you are calling me unpatriotic. That is what I think is rather peculiar.

Mr. Speaker, does the gentleman have any other speakers?

Mrs. DAVIS of California. Yes, Mr. Speaker, we have one additional speaker.

Mr. BUYER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. Gohmert).

Mr. GOHMIERT. Mr. Speaker, when people on the other side of the aisle wonder how we can ask, Do you really support the troops? How about this quote that was contributed to Mr. MURTHA? "They won't be able to continue. They won't be able to do the deployment, you won't have the equipment. They don't have the training. They won't be able to do the work." There is no question in my mind.

On his Web site that has now been taken down, it says, "Chairman MURTHA will describe his strategy for not only limiting the deployment of troops to Iraq, but undermining other aspects of the President's foreign and national security policy."

He is the Commander in Chief. That is undermining the President.

Mrs. DAVIS of California. Mr. Speaker, I just want to inquire of our remaining time.

The SPEAKER pro tempore. The gentlewoman from California has 18 minutes. The gentleman from Indiana has 16 minutes.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. Ryan).

Mr. RYAN of Ohio. Mr. Speaker, it is entirely possible and welcomed under the Constitution of the United States to have disagreements about how we need to handle troops deployments, how we need to handle our situation in different wars. And it is not to be said that because one party or one group of people have a different philosophy and a different strategy, that somehow they are not supporting the troops.

Now, your party and your President, the Republican Party, Mr. Speaker, and the Republican President are the ones who sent our kids to battle without armor, without body armor. And it took Jack MURTHA months to uncover it, and then to finally get it paid for and distributed it. It was the Republican Party, Mr. Speaker, who sent kids into battle without up-armored Humvees.

Now, nobody questioned the Republican Party's patriotism, and nobody asked them if they supported the troops. Again, we called you incompetent, we said you were derelict in your duty, we said you should have provided oversight and you didn't. But we never called you Murtha.

Mrs. DAVIS of California. Mr. Speaker, I now recognize Mr. Chris MURPHY of Connecticut for 5 minutes. He will be our last speaker, and, as we all know, he is a veteran of the Iraq war.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank the gentlewoman for yielding. I often get confused with my friend from Pennsylvania.

Let's just touch for one minute, before I address the resolution on the question that our friends from the other aisle brought to us today and that Mr. Ryan was so good enough to talk about as well, that is this notion that in order to support the troops, you have to support the commander of the troops.

Well, having spent the last 2 years walking around talking to every sector of the constituents of the Fifth District of Connecticut, having a sense of our American people, down in November on this question, the American people seem to agree with folks on this side of the aisle, which says this: There is a difference between supporting the troops and supporting the commander.

It is not an issue of patriotism necessarily, it is an issue of differentiating between the brave men and women who are over there fighting and dying for this country, and the man who sends them into battle. You can disagree with him and you can support the troops. You can do that out in the public as a matter of your private advocacy, and you can do that here on this floor.

That is where the American public came down on election day. They said loud and clear that day, "We support the troops." They go every day to celebrations of those troops when they leave and when they come back. They go to much more somber ceremonies when they don't return home. And then on election day they come out and they say this: "I support these troops. I don't support the man who put them into it in the way in the manner that he did that." Mr. Speaker, I would like to thank Speaker Pelosi and Leader Hoyer for allowing us to be here this morning. It is late at night, and I will be brief in my remarks on the resolution before us.

Amidst the embarrassing overabundance of thorny foreign policy questions before this House currently, the fact that, in this moment, we need to go forward with 21,000 more troops into Iraq is a fairly simple one: Do we agree with the Nation's military establishment, with the country's foreign policy community, with popular opinion, and reject this President's very wrongheaded plan to send 21,000 more troops into Iraq? Or do we remain silent in homage to Congress' past and allow this potentially disastrous escalation to move forward?

I think the question answers itself. And I am proud today to stand here in support of this resolution, and register my strong support of our troops and my strong opposition to escalating this war.

As we finish the debate tonight, I have been joined in these final remarks by some of the younger colleagues in the House of Representatives. And I think our unity is significant. I should remind other Members of this House that we are discussing the fates of many young men and women, my classmate's friends, who have been fighting and dying in a country halfway around the world.

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As younger Members we also serve as reminders that our duty here is not just to set policies to secure the safety of our country in terms of months or years but also in terms of decades.

Mr. Speaker, I have never fought in a war. I haven't shot another man on the battlefield nor have I been wounded myself. But I have been allowed the privilege to represent my constituents in this body because of the selfless bravery of those men and women around this country that made a different choice than I did, those that volunteered to go overseas and fight and defend this country. It is my duty to stand here today and thank them for their service, thank their families for their service, but also to be their advocate here tonight. Because the President is asking a cadre of our bravest young men and women to go to house to house in Baghdad to root out an insurgency while he does virtually nothing to address the systematic causes of that insurgency. One hundred thousand troops may not be able to do the job that the President is asking 21,000 to do. Escalating the number of troops in Baghdad hasn't worked in the past and it most likely won't work here. Through his actions, the President is putting our soldiers' lives at unnecessary and unconscionable risk. There is a resolution in Iraq but it's a political solution. It's not a military resolution. It's the President himself who has done everything that we have asked them to do to stand up to a President who would ask them to do a job that
Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

There was a peculiar comment a bit ago from the gentleman from Ohio when he said, well, I didn’t call you unpatriotic when you sent troops into battle and they didn’t have their up-armored Humvees. What a weird statement to say.

You guys prepare our force. So, for example, when myself and Colonel Phillips in the first Gulf War, those Hummers that we took in, they didn’t even have doors on them. We didn’t have doors on the side of those. We didn’t go in with all the side plates and front plates, groin plates, neck plates, shoulder plates. We didn’t do all that. Most of that, the body armor, was reserved for special ops. When you move from the rush to the fight and then the enemy begins to use roadside bombs to attack our Hummers, what do we have to do? We respond. That is why I made the comment of what does our military do? They improvise, they adapt and they overcome. That is exactly the same thing which our enemies do. So it was a very peculiar comment to say, well, we didn’t attack you because I don’t know. It’s so peculiar, I don’t even want to comment anymore on it. What I would like to comment on is the nature of the enemy and the significance of Iraq and the global war against militant Islamists.

Mr. Speaker, at this time I would like to turn our attention to the nature of the enemy and the significance of Iraq in the global war against militant Islam. We often use the term “global war on terrorism” to describe our efforts since the September 11 attacks. I believe this is a misnomer. In reality, we are engaged in a campaign to contain Islamist insurgency, a global jihad. This global insurgency is, in fact, a diverse federation of Islamic movements that uses terrorism as only one of its many tactics in their war on the West.

On February 23, 1998, Osama bin Laden, leader of al Qaeda, declared war on the United States, Israel and the West in his statement “World Islamic Front Declaration of War against Jews and Crusaders.” Subsequently, bin Laden’s deputy, Ayman al-Zawahiri, issued a statement after September 11 announcing a two-phase strategy for al Qaeda’s war. First, reestablish the Islamic Caliphate, the historical and temporal authority of all Muslims that existed from 622 A.D. and, second, use the Caliphate as a launch pad for a jihad against the West.

No one believes that Osama bin Laden directly controls this worldwide insurgency. Rather than a single monolithic movement, al Qaeda is but one movement that symbolizes a broad and diverse federation of militant Islamic movements that operate around the world. This insurgency includes such wide-radiation as the Egyptian Islamic Jihad, the Libyan Islamic Fighting Group, the Islamic Army of Aden, al Qaeda in Iraq, the Islamic Movement of Uzbekistan, the Abu Sayyaf Group in the Philippines. In addition, there are numerous radical Islamic groups, including Hezbollah and Palestinian rejectionist groups such as Hamas and the Palestinian Islamic Jihad. These wide-ranging and disparate groups are loosely linked ideologically, linguistically and culturally. They use family ties, personal relationships and financial links to coordinate their efforts. Thus, the global jihad plays out in a variety of theaters around the world. These include:

- The Americas, where in North America we saw the September 11 attacks and as a House Permanent Select Committee on Intelligence report stated, Federal authorities have shut down at least 25 charities contributing to terrorist activities since September 11. That is here in our own country.

- In South America there is a strong al Qaeda presence in the tri-border area of Argentina, Paraguay and Brazil.

- In Western Europe, where there have been recently uncovered plans for attacks against Great Britain, the United States and where insurgents financial networks and planning cells flourish throughout Europe supporting insurgent activities.

- In the Southern Pacific, where the Bali bombings in October 2002 were attributed to an al Qaeda-linked cell.

- In the Iberian Peninsula and North Africa, where North Africans were blamed for the May 2004 Madrid bombings and where there have been bombings in Casablanca, Morocco and Tunisia.

- In the greater Middle East, where there are ongoing Islamic insurgencies in Iran, Jordan, Egypt, Saudi Arabia, Yemen, Turkey, Lebanon and Israel/Palestine.

- In East Africa, where simultaneous bombings in October 1998 in Kenya and Tanzania were coordinated from the same cell.

- The Caucasus and European Russia, where nationalistic insurgencies in Chechnya, Georgia, and Azerbaijan have been co-opted by Islamic militants.

- South and Central Asia, where the Taliban and al Qaeda continue to operate in Afghanistan and in Pakistan’s federally administered tribal areas.

- In Southeast Asia, where Islamic insurgencies continue in Indonesia, the Philippines and southern Thailand. These Islamic insurgencies share a common goal. They are oriented toward the overthrow of the current world order and its replacement with a pan-Islamic Caliphate. They wish to change the status quo using violence and subversion in order to initiate a clash between Islam and the West. They use terrorism, subversion and propaganda to further their goals and initiate open warfare.

It will come as no surprise that most of the active Islamic insurgencies take place either within the historical bounds of the Caliphate, meaning North Africa, Spain, Turkey and the Middle East, or in areas claimed by the new broader pan-Islamic Caliphate, South Asia, Southeast Asia and Indonesia. These insurgencies contribute to what is called an arc of instability that reaches from Indonesia across South Asia and the Middle East to North Africa.

Where does Iraq fit into this global jihad? Iraq has become the front line in the open warfare of the global insurgency. In many ways, Iraq is a microcosm of the complex worldwide Islamic
insurgency. The centrality of Iraq to the insurgency became clear in a July 2005 letter to the late Abu Musab al-Zarqawi from al Qaeda's deputy Ayman al-Zawahiri. In discussing Iraq, Zawahiri stated:

"I went to see the first to congratulate you for what God has blessed you with in terms of fighting battle in the heart of the Islamic world, which was formerly the field for major battles in Islam's history, and what now is the place for the greatest battle of Islam in this era."

Zawahiri went on to outline the larger strategy for Iraq. First, expel the Americans from Iraq. Second, establish an Islamic authority and re-establish the Caliphate. Third, extend the jihad in neighboring secular Islamic countries. Fourth, eliminate Israel. Thus we see a clear statement from the number two man in al Qaeda that Iraq is centrally important to the global jihad.

Al Qaeda is not alone in operating in Iraq. There have been extensive Iranian involvement that has been alleged recently. On March 14, 2006, General John Abizaid told the Senate Armed Services Committee that Iran is pursuing a multitrack policy in Iraq, consisting of covertly supporting the formation of a stable, Shia Islamist-led central government while covertly working to diminish popular and military support for U.S. and Coalition operations there.

While the full extent of Iranian support is unknown, it appears that at a minimum Iran is supporting the 20,000-man Wolf Brigade which is an offshoot of the 20,000-man Wolf Brigade which is an offshoot. Just this week, administration officials announced that Iran was the source of deadly explosive form projectiles being used in Iraq.

Iran also grasp that Iraq is central in this global struggle. Iraqi Prime Minister Maliki told us here in a joint session of Congress, "I know that some of you here question whether Iraq is part of that war on terror, but let me be very clear that the battle in Iraq is part of that war."

The centrality of Iraq in the larger global Islamic insurgency cannot be disputed. Our enemies and our friends in the region grasp its significance. To fail in Iraq is to fail in the larger struggle. And our enemies are watching. They remember what America did not know that we in Congress are uncertain and irresolute. In a war where information and willpower are more important than firepower, we must continue to send the signal that we cannot and will not cease to fight the enemy's vision of the world. You see, even if you have your way and you say we are going to withdraw the troops, whether they come back to the United States or whether they go to an ever-the-position of this new infantry government fails, we cannot cower to the security of America. This front continues.

The Bible states, "If the trumpet gives an uncertain sound, who shall prepare himself to the battle?" If the trumpet is uncertain, who will follow? This resolution, I think, sends the wrong signal to our friends and to our enemies and to our colleagues to support those troops, sound the certain trumpet, and defeat the resolution.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to thank my colleagues on the other side of the aisle, because in many ways he has really made the contribution on his side has been that we can't just use our military, the tools that they bring us, the great treasure that we have in them. We cannot solely look to them. And I think our great consternation over this war has been that we have not used our political, our economic and our diplomatic tools to represent the great Nation that we are.

I have to tell my colleagues that I was really saddened when the veterans of my community asked me, and I have asked our generals and I have asked the President, are we in fact a military at war and not a Nation at war? The generals told me that we are a military at war, I think the President disagreed with that. But the reality is that we have not brought our Nation to this effort in the way that I think is appropriate to have done. And so when we talk about the strategic risks that are there, when we talk about the fact that we need to take those risks, we are doing it in a context that we know that when we went to this war, we didn't properly assess those risks.
Since then, the men and women of our Armed Services have carried out their mission with great courage and bravery, and they successfully achieved every military objective we set forth.

They removed a tyrannical, oppressive dictator who brutally slaughtered his own people, including innocent women and children. They rebuilt schools and replaced a crumbling infrastructure.

And they provided security for the Iraqi people to successfully conduct interim elections, to write a new constitution, and to democratically elect and install new national leadership.

The remaining objectives articulated at the outset—conflict resolution between Sunnis and Shiites and national peace and stabilization—can only be achieved for the Iraqis, by the Iraqis. Their success will take personal will and political compromise from all domestic parties involved.

Mr. Speaker, success in Iraq today requires a political solution, not a military one. Twenty thousand more armed American men and women in Iraq will not change the determination or alter the strategy of the warring factions and militants our troops now face.

The addition of more American forces will certainly not encourage the Iraqi Forces to take responsibility for their nation's security. This policy now became clearer than when GEN. John Abizaid told the Senate Armed Services Committee, “I believe that more American forces prevent the Iraqis from doing more and from taking more responsibility for their own future.”

He is right. I've met with every divisional commander—General Casey, the corps commander, General Dempsey—we all talked together. And I said, “in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no.”

Today's U.S. military role in Iraq should be to assist in support and training initiatives, not to lead the charge. We must remember that this democracy does not belong to us, but to the Iraqi people who are responsible for protecting and enhancing it.

If an increase of troops is needed to stabilize specific regions, those troops ought to be Iraqi troops. At last count there were 325,000 trained, equipped and fielded Iraqi Security Forces. At some point in time, these Iraqi forces have to lead security efforts.

What better time than now? What better opportunity could there be for the Iraqis to manifest their national pride and commitment to democracy by concrete actions? The Iraqis are ready, we need U.S. needs to stop enabling their dependence.

Recently, the 174th Fighter Wing of the New York Air National Guard based in my hometown of Syracuse returned from a support tour in Iraq, and I'm proud that a young member of my staff deployed with them. Dozens of other young men and women from New York's 25th Congressional District have fought in Iraq and Afghanistan. I am deeply proud of them and their remarkable service to our country.

Mr. Speaker, I stand before you as a member of the greatest deliberative body in the greatest representative democracy in the world. We are the people's House. We are all elected—chosen—every two years by citizens across this land to converge here in Washington to represent them, to vote on their behalf, and to ensure that their voices are heard in every national debate. And as Members of Congress we do so with a unique balance of personal belief and public will.

The President is the Commander in Chief. That is a fact. But we, not a sole decision maker. We—the elected leaders of our government—have a responsibility to express the will of the American people as we perceive it.

The people of my New York district overwhelmingly supported this mission at its start, as did all Americans. But we will always support our troops. But we do not support the continued build up of U.S. troops in Iraq.

This resolution states the House's disagreement with the President on this strategy, and I support this 97-word resolution before us. But I also say today clearly and without equivocation that I will not support any proposal to cut funding to our troops while they are in harm's way.

America has kept her promises to the people of Iraq. Over 3,000 American soldiers have died in Iraq. I cannot believe that the promises were kept, and their families now go forward with a constant reminder of the price of their sacrifice.

This resolution confronts the reality that there are defined military objectives, defined diplomatic objectives, and defined poltical objectives that can only be achieved by a sovereign and selfsustaining people.

This resolution, ultimately, is about the role and the responsibility of the Iraqi people. This resolution does not call for us to step out and take on a different role. Rather, this resolution calls for Iraq to step up.

For that reason, it has my support. Mr. STARK. Mr. Speaker, I voted against the original resolution authorizing President Bush to take military action against Iraq. As a Member of the Out of Iraq and Progressive caucuses, I have and will continue to call for the immediate withdrawal of American troops.

I rise today in strong opposition to the President's proposal to send more than 20,000 additional American combat troops to Iraq. Today's non-binding resolution is an important first step. After its passage, I will encourage my colleagues in Congress to take further steps to end the War in Iraq.

When a scientist uncovers facts that contradict a theory, he or she throws out that theory. But when President Bush learns of facts that contradict his theories, he throws out the facts. As a member of the reality-based community, I continue to be amazed by this President's disregard for objective truths.

The President, however, isn't just a scientist experimenting with chemicals in a laboratory. He is an executive whose decision to take us to war under false pretenses has adversely affected the lives of millions of Americans and Iraqis. The costs of the nearly four-year old conflict are grave.

More than 3,100 brave American service men and women, including at least 325 from my home state of California, have already died in the war. An additional 23,000 plus have been wounded. Estimates of the number of Iraqi civilians killed since the invasion run as high as 47,000 to 70,000. All at a cost of $379 billion to the American people. That's more than $1250 for every man, woman, and child currently living in the U.S.

But these are facts. President Bush is more interested in cockamamie theories. In the run-up to the war, Bush speculated that Iraq possessed nuclear weapons. When intelligence officers suggested that might not be the case, he ignored them. To date, no weapons of mass destruction have been found.

Bush also hypothesized that the attack would turn Iraq into a liberal democracy. When academic scholars wrote that Iraq's history and culture didn't suggest such an outcome would likely happen he dismissed them. Too, despite the election of an Iraqi Assembly and formation of an Iraqi government, the country is in a full-fledged civil war.

During the past four years, the President has repeatedly theorized that America was making progress in Iraq, and that “success” was just around the corner. I remember, in particular, Bush's summer 2003 statement that “major combat operations in Iraq have ended,” his summer 2004 claim that we were “turning the corner” abroad, and Cheney's summer 2005 reference to an insurgency in its “infancy.” Despite these promises, the situation in Iraq has gotten worse every year, not better.

My favorite declaration came this past summer, when the President said that the formation of a new Iraqi government represented a “turning point.”

Unfortunately, the body count in Iraq continues to grow. This past July, an average of 110 Iraqi adults died each day, the deadliest month of the war for Iraq. In October, militia attacks spiked 22 percent. In December, more than 100 American troops were killed, the third deadliest month of the war for the United States.

But the November elections did represent a turning point—in the United States. The Bush administration no longer has a Republican Congress to lick its boots. What's more, voting on this resolution will soon suggest President Bush doesn't even have the support of his own party.

When the President in January suggested sending additional troops to Iraq, Members of Congress from both sides of the aisle criticized his foolhardy proposal. Senator CHUCK HAGEL, Republican from Nebraska, termed it “Alice in Wonderland” thinking that would “represent the most dangerous foreign policy blunder since Vietnam.”

Retired military personnel weren't much more enthusiastic. Former General Barry McCaffrey called the surge “a fool's errand.”

Retired Colonel Paul Hughes said “sending more troops to Baghdad is like pouring more water in the sands of Al-Anbar. It's just going to disappear without accomplishing anything.”

I couldn't agree more. The President's proposal to escalate the war in Iraq in the naive hope of winning a lasting peace is another cockamamie theory that contradicts all available facts.

I strongly urge my colleagues to vote “yes” and take this important first step to end the War in Iraq and bring all of our troops home.

Mr. BAIRD. Mr. Speaker, every member of this Congress, every member, regardless of political party, and regardless of their position on this war, or the resolution before us now, is wholly committed to the security of this nation, our communities, and our families. And I believe every member of this Congress supports our troops and their families while they
I have been on the tarmac in the cold and ceremonies as we send the troops off to fight. How will we pay for it? How will you manage internal conflicts among the Iraqis themselves? What will be the impact on our overall security elsewhere in the world? The fact is this administration has never answered any of those fundamental questions honestly or fully. Even when they knew the answers they refused to give them, or they did not know and went ahead anyway. If the first is true, they were being dishonest. If the second is true, they were incompetent. Sadly, it appears likely that both incompetence and duplicity were at work. Unfortunately, very little has changed since this war began. As we consider the proposed escalation of the occupation in Iraq, none of the most important questions has been answered.

I voted against this war from the outset and believe to this day that was the right vote. But once we were committed and engaged, I believed, as most of my colleagues and most Americans, that we had a responsibility to support the troops and try our best to help the Iraqis rebuild their nation, establish a democratic republic and ensure stability. I, along with most members of this Congress, voted repeatedly to provide our troops the needed resources to succeed, and I fervently hoped the mission would be successful. To a degree, there have been successes. We determined there were no weapons of mass destruction. Saddam Hussein has been removed from power, and is now dead as a result of a public and open judicial process. There have been free and open elections, and Iraq has a constitution and elected government. Those are all good things. But the costs have been horrific and the key questions still have never been, perhaps cannot be, answered by this Administration. As we consider the President’s latest proposal we must ask again: How many more lives? How much more will this cost? How will we pay for this? What will it do to the rest of our security internationally and at home? Because these questions are at the core of whether or not this policy will enhance or jeopardize our troops and our security, and because the administration to this day is unwilling or incapable of answering these basic questions honestly, I must vote in favor of this resolution, and oppose further troop increases. It is irresponsible to allow a commander in chief, who has not been honest or accurate from the outset, to continue sacrificing the lives, bodies and families of our troops to a mission that lacks a clear objective or any foreseeable endpoint.

It is recklessly dangerous to permit a commander in chief to jeopardize our nation’s security by getting us into a war, readiness and troop morale continue to decline. It is shortsighted and unwise to leave our National Guard and Reserve unprepared and under-equipped to respond to other challenges or crises abroad or within our own borders. It is wasteful and foolishly to build the largest embassy in the world in this very small nation. It is dangerous and strategically unsound to concentrate more of our intelligence assets in this one city, leaving the rest of the world and other dangerous threats less covered. It is unsustainable for our economy to keep pouring billions of dollars into reconstruction and paying the costs of the war at home, and piling debt onto our children with no real plan to pay for it, and no real end in sight. It is a breach of trust to not provide the needed services for our veterans and their families when they return home. It is irrational and inaccurate to believe that securing Iraq is the real key to keeping our nation safe from terror, or that if we withdraw from Iraq the only possible outcome is for our nation to be more vulnerable. It is immoral to leave our soldiers and the other men and women of our armed forces, the true patriots who are bleeding and dying and the real patriots of this nation who have been putting aside their lives and their families for our country, with no real end in sight.

Over the past weeks, months, and in the years since this conflict began, I have heard from constituents on all sides of this issue, including members of our armed forces who have served or are now serving in Iraq. Some of our troops support the war in Iraq, others oppose it, some support an increase, others don’t. To suggest that opposing the President’s planned escalation means not supporting the troops would imply that many of the troops themselves and many of their loved ones back home don’t support the troops. That suggestion simply makes no sense and we should not endorse or support it.

The real question today is not whether or not we are committed to security, or whether or not we support the troops. The real question is how we believe protecting security is best achieved. On that, there is legitimate disagreement. But what should be, what this debate is about, is that debate is not only a right, but a responsibility of the elected representatives in a republic such as ours. Indeed, it is to defend that very right that our troops are being asked to serve and sacrifice not just in Iraq, but around the world.

I saw the Pentagon explode from my office window on September 11th. We all knew that thousands of our fellow citizens were dying before our eyes and I was worried about the safety of my own family. None of us need to be reminded through floor speeches or Presidential homilies about the threat of terrorism. But let us also not forget that the terrorists of that day did not come from Iraq. And let no one forget that, with only one exception, the entire House of Representatives, Democrats and Republicans, all voted to prevent the use of force to destroy the Al Qaeda bases and the Taliban who harbored them in Afghanistan. That is where the terrorists of September 11th were based, that is where the central focus of the fight against terrorists was focused, and we were united, along with virtually the entire world, in that fight.

Iraq is different, and the focus on Iraq has distracted and detracted from the mission in Afghanistan and the real battle against terrorists. Administration suggestions aside, none of the terrorists of September 11th came from, or were supported by, Iraq, and there were no weapons of mass destruction.

President Bush and the rest of the administration took this Nation into an unnecessary and ill conceived war based on false threats and with a deeply flawed plan. Our soldiers, their families, our economy, our overall military readiness, the Iraqi people, friends in the region, and our coalition partners, have all suffered as a result of the administration’s misdirection and miscalculations.

Before this war, I, and many others, asked the administration the following fundamental questions. How many troops will this take? How many lives will be sacrificed? How long will we be there? What will it cost financially?
embassy complex that is now under construction in Baghdad and we should pledge to no permanent U.S. bases in Iraq.

4. To help fund the infrastructure and security activities within Iraq, and to give every Iraqi a stake in the success of their political process. An economic means of distributing oil revenues should be created that ensures all Iraqis will benefit from the oil resources and, simultaneously, that all Iraqis will lose economically if insurgents damage those resources.

5. We should encourage the Iraqis to work more closely with moderate Arab neighbors, notably Jordan, Egypt and others in the region to help with the training of the security forces and with the reconstruction effort. This assistance has been offered since the beginning of the conflict but the Iraqis have not taken advantage of that offer to any real degree as of yet.

6. Because the Iraq conflict has had a devastating and destabilizing economic, political and social impact throughout the region and the world, and if we do not do enough to support moderate and friendly nations, particularly to help them deal with the influx of refugees, the high costs of energy, reductions in trade and tourism, and the adverse effect their departure may have, and will continue to support our troops to the fullest. The evidence is also clear that our allies will serve valiantly and effectively whenever and wherever they are called.

For the elected representatives of the people of this great nation to exercise their constitutional responsibility and demand change is not a sign of weakness, it is a sign of the strength of our own republic. Perhaps more importantly, it is a sign of the strength of our very form of government itself, which is, after all, what we are writing in Iraq and elsewhere in the world. The rest of the world, our allies and adversaries alike, understand this and understand that the strength, character, courage and commitment of this Nation, its people, and the Congress are separate from, and stronger than the flaws, and mistakes of any one President or administration.

We are not turning away from the fight against terrorists or terrorism by changing course in Iraq. We are changing the course of a strategy that has been wrong from the beginning and has failed. Our Nation, our Armed Forces, and our Congress are fully willing to sustain a tough fight when the fight is right and the strategy is sound. But our re-public, our people, and this Congress are also strong enough, wise enough and courageous enough, to recognize the truth and change direction when the time comes. That time is now.

Mr. McKEON. Mr. Speaker, I rise today to speak against the motion under consideration. As the House debates this so called non-binding resolution concerning the recently implemented surge in Iraq, I think it is important to remind my colleagues exactly what is being sought by this resolution and what is to be accomplished with its passage.

This ill-conceived resolution seeks to do two incompatible and indeed conflicting things: it attempts to speak for the Chamber in disapproving the proposed troop increase. And it simultaneously claims to support those troops, whose devotion to duty is essential, in proscribing a mission which is, in part, renounced by this very same resolution.

Mr. Speaker, I question that the members who serve in this chamber do so with integrity and with a high regard for the men and women who serve in uniform. I do, however, question the wisdom of considering a resolution which will have no practical effect, but will have serious and inevitable consequences for the men and women who have been asked to serve.

While we consider this resolution, our enemies, in prosecuting their side of this war—whether it be the killing of our troops or undermining our troops. The President himself has implied that any questioning of his policies is "politically motivated" and anything short of further escalation is sending a message that our Nation will "cut and run" when things get tough.

I believe the evidence supports the opposite. The evidence from this war is clear, while there may be differences of opinion about policy, Congress has always supported our troops, and will continue to support our troops to the fullest. The evidence is also clear that our troops will serve valiantly and effectively whenever and wherever they are called.

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Today’s debate is no exception. The question we must answer for ourselves is a fundamental one that speaks not to our approval of the War in Iraq but rather to our commitment to the men and women fighting this war. It is a commitment we must reaffirm without question or doubt. With commitment and unity.

Now we know that we have two courses of action we can take regarding the War in Iraq. We can pull our troops out immediately and leave the stability of the region up to an increasingly violent insurgency, thereby admitting defeat, or we can send in further reinforcements to work with Iraqi Security Forces to seize control of their country.

We can all agree that a change in the status quo must be made. With an increased level of violence between Sunni and Shia insurgent groups, an escalating cost, and the loss of American lives, it is imperative that we have a legitimate and substantive debate on the direction of this war.

However, if we are to succeed in Iraq and complete the mission, then the United States House of Representatives should not waste its time debating a nonbinding resolution criticizing the Commander in Chief. This resolution offers no real policy alternatives for Iraq and does not bring our men and women home any sooner. It is a political shot aimed at the President, but it is really our troops who suffer most from this mindless and irrelevant debate.

I recently visited Walter Reed Hospital to hear from the wounded who have been to Iraq and sacrificed so much for their country. I talked to a wounded soldier who had a bone infection that prohibited him from returning to Iraq. He was very concerned about his physical well-being but instead he was upset that he could not go to finish the job that he had started. His feelings reflected the thoughts of many of the soldiers that I had the privilege to sit and talk with that day.

The fact is we face a moment of unparalleled opportunity to, in voice, in one vote, fulfill our promise to our troops—the promise that we will give them the resources, the armor, the manpower and reinforcements they need so that they may safely and effectively win the War on Terror and come back home.

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

Mr. Speaker, in the President’s January 29, 2002, State of the Union address, in regards to protecting America, responding to the terrorist threat and capturing Osama bin Laden, he said (meaning Iraq): . . . This is a regime that has something to hide from the civilized world.

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They provide these weapons to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.

Secretary Powell after being named Secretary of State to succeed Colin Powell, Secretary Rice warned six months before the invasion of Iraq that Saddam Hussein could deploy a nuclear weapon, saying that the administration did not “want the smoking gun to be a mushroom cloud,” according to the Washington Post. We now know that these assertions were a fiction created by this administration to justify the unjustifiable.

U.S. Central Command Gen. Tommy Franks, the war’s operational commander, misjudged the interests of our Afghan allies. He ran the war from Tampa with no commander on the scene above the rank of lieutenant colonel. According to another Washington Post April 17, 2002, article; The first Americans did not arrive until 3 days into the fighting.

As a representative from NY whose constituents resents the lies and deception thrust upon us to justify this war and creating a distraction away from the homeland security we all desire the question is: When will Osama bin Laden be brought to justice.

The article continues by identifying that Osama bin Laden slipped through the cordon ostensibly placed around Tora Bora as U.S. aircraft began bombing on Nov. 30. More precisely, bin Laden was in Tora Bora on Nov. 26, spoke to his fighters about “holy war” then, as quickly as he had come, bin Laden vanished into the pine forests with four of his loyalists walking in the direction of Pakistan. bin Laden escaped according to the Christian Science Monitor, somewhere between Nov. 28 to Nov. 30 as confirmed by Arabs and Afghans in eastern Afghanistan.

Mr. Speaker, I support our troops and that is why we must commence the redeployment of our troops today. Thus far:

There are 135,544 troops in Iraq today.

3127 or 2.3 percent of U.S. soldiers have been killed in service to our country.

Seventeen percent or 23,279 U.S. soldiers have been seriously wounded in service to our country.

Twenty percent of the troops wounded have received serious brain or spinal injuries; 30 percent of U.S. troops develop serious mental health problems within 3 to 4 months of returning home.

During the President’s tenure, he has requested a cumulative total of more than $700 billion to pay for the war effort in Iraq; $9 billion of U.S. taxpayers money is unaccounted for.

The State of New York has lost 143 soldiers, 16 from Brooklyn. U.S. troops continue to die from improvised explosive devices (IEDs) have been sent to Iraq with poorly constructed and poorly armored equipment. Pentagon war planners have created a high level task force that has spent $6.7 billion on how to combat IEDs.

Thousands of Americans are dead, thousands more will die if we don’t get our troops home and get them redeployed today. I oppose the President’s call for 21,000 more troops to go to Iraq. I support our troops and that’s why I want them home where they belong.

Mrs. DAVIS of California. Mr. Speaker, I thank my colleague for that, I thank the entire body, and I thank you.

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 157, further proceedings on the concurrent resolution will be postponed.

APPOINTMENT OF MEMBERS TO THE COMMITTEE TO ATTEND FUNERAL OF THE LATE HONORABLE CHARLIE NORWOOD

The SPEAKER pro tempore. Pursuant to House Resolution 159, and the order of the House of January 4, 2007, the Chair announces the Speaker’s appointment of the following Members of the House to the committee to attend the funeral of the late Honorable Charlie Norwood:

The gentleman from Georgia, Mr. LEWIS.

The gentleman from Ohio, Mr. BOHNER.

The gentleman from Missouri, Mr. BLUNT.

The gentleman from Georgia, Mr. BISHOP.

The gentleman from Georgia, Mr. DEAL.

The gentleman from Georgia, Mr. KINGSTON.

The gentleman from Georgia, Mr. LINDER.

The gentleman from Georgia, Mr. GINGREY.

The gentleman from Georgia, Mr. MARSHALL.

The gentleman from Georgia, Mr. SCOTT.

The gentleman from Georgia, Mr. BARROW.

The gentleman from Georgia, Mr. PRICE.

The gentleman from Georgia, Mr. WESTMORELAND.

The gentleman from Georgia, Mr. JOHNSON.

The gentleman from Wisconsin, Mr. SENSENBRUNNER.

The gentleman from Texas, Mr. BARTLETT.

The gentleman from North Carolina, Mr. COBLE.

The gentleman from Texas, Mr. GENE GREEN.

The gentleman from Michigan, Mr. HOEKSTRA.

The gentleman from Illinois, Mr. MANZULLO.

The gentleman from California, Mr. MCKEON.

The gentleman from Florida, Mr. MIKE.

The gentleman from New Jersey, Mr. FRELINGHUYSEN.

The gentleman from Washington, Mr. HASTINGS.

The gentleman from Illinois, Mr. LAHOEFE.

The gentleman from Iowa, Mr. LATHAM.

The gentlemanwoman from North Carolina, Mrs. MYRICK.

The gentleman from Arizona, Mr. SHADE.

The gentleman from Kansas, Mr. TIAHRT.

The gentleman from Mississippi, Mr. WICKER.

The gentleman from Alabama, Mr. AMOS.

The gentleman from Pennsylvania, Mr. PITTS.

The gentleman from Texas, Mr. SESSIONS.
MILLER
GOHMERT
Mr. BARRETT
PUTNAM
TERRY

BILBRAY

NEUGEBAUER

Mr. HAYES
Mr. OBERSTAR
Mr. BURGESS
Mr. KING
Mr. NEUGEBAUER
Mr. CONAWAY
Mr. GORMLEY
The gentlewoman from Ohio, Mrs. SCHMIDT
The gentlewoman from California, Mr. BILBRAY

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 654

Mr. RYAN of Wisconsin (during consideration of H. Con. Res. 63). Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 654.

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

There was no objection.

PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mr. Oberstar) is recognized for 5 minutes.

Mr. OBERSTAR. Madam Speaker: Pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives and clause l(b) of the Rules of the Committee on Transportation and Infrastructure, I submit the Rules of the Committee on Transportation and Infrastructure for publication in the CONGRESSIONAL RECORD. On January 17, 2007, the Committee on Transportation and Infrastructure met in open session and adopted these Committee Rules by voice vote.

RUL ES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, UNITED STATES HOUSE OF REPRESENTATIVES, 110TH CONGRESS (ADOPTED JANUARY 17, 2007)

RULE I. GENERAL PROVISIONS.

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to adjourn or adjourn the House (in full) or a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULES ON COMMITTEE PROCEEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Committee may not vote on any matter under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(b) PUBLICATION OF RULES.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee adopts such rules.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman so present shall preside. If the time of the day in which the meeting is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS.

(a) REGULAR MEETINGS.—

(1) IN GENERAL.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month.

(2) NOTICES.—The Chairman shall provide each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting. The notice shall specify the date, time, and place of the meeting and the matters to be considered. The Chairman shall enforce this subparagraph.

(3) CANCELLATION OR DEFERRAL.—If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Committee, there may be matters which require the Committee's consideration.

(4) APPLICABILITY.—This paragraph shall not apply to the Committee if the Committee is not in existence.

(b) ADDITIONAL MEETINGS.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such special meeting shall be held at such time and place as the Chairman shall determine. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 15 days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written request that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee of the meeting and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) PROHIBITION ON SITTING DURING JOINT SESSION.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY.

(a) OPEN MEETINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) MEETINGS TO BEGIN PROMPTLY.—Each meeting or hearing of the Committee shall begin promptly at the time specified in the public announcement of the meeting or hearing.

(c) ADDRESSING THE COMMITTEE.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(d) PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS.—All members of the Committee who are not members of a particular subcommittee may, by unanimous consent of the members of such subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the subcommittee may not vote on any matter before the subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(e) BROADCASTING.—Whenever a meeting is held for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4(g) of Rule XI of the Rules of the House. Operation and use of any Committee Internet broadcast system shall be fair and non-discriminatory and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House.

(f) ACCESS TO THE DAI S AND LOUNGES.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or rankining minority member.

(g) USE OF CELLULAR TELEPHONES.—The use of cellular telephones in the Committee
Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

WRITTEN STATEMENT; ORAL TESTI-
MONY.—So far as practicable, each witness who is to appear before the Committee or a Subcommittee shall submit to the Chairman of the Committee or subcommittee, at least 2 working days before the day of his or her ap-
appearance, a written statement of proposed testimony and shall make available for her oral presentation to a summary of the written statement.

(c) MINORITY WITNESSES.—When any hear-
ings are conducted by a majority member or any subcommittee upon any measure or matter, the minority party members on the Com-
mittee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the com-
pletion of such hearing, to call witnesses selected by the minority to testify with re-
spect to that matter or matter during at least one day of hearing thereon.

(d) SUMMARY OF SUBJECT MATTER.—Upon announce-
ment of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Com-
mittee a concise summary of the subject material (including legislative report and other material) under consideration. In addi-
tion, upon announcement of a hearing and subsequently as they are received, the Chair-
man shall make available to all members of the Committee any official reports from de-
partments and agencies on such matter.

(e) QUESTIONING OF WITNESSES.—The ques-
tioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and other members alternating between the majority and minority parties. In recognizing members to question wit-
tnesses in this fashion, the Chairman shall take into consideration the ratio of the ma-
ajority to minority members present and shall establish the order of recognition for question-
ing in such a manner as not to dis-
advantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two major-
ity members for each minority member recognized.

(f) PROCEDURES FOR QUESTIONS.—
(B) subject to subparagraphs (2) and (3),
only for 5 minutes until such time as each mem-
ber of the Committee or subcommittee has had an oppor-
tunity to question a witness with re-
spect to that measure or matter during at least one day of hearing thereon.

A member shall be limited in his or her re-
marks to the subject matter under consider-
ation. The Chairman shall enforce this para-
graph.

(2) EXTENDED QUESTIONING OF WITNESSES BY COMMITTEE OR SUBCOMMITTEE.—The Chairman, with the concurrence of the ranking minority member, or the Com-
mittee or subcommittee by motion, may per-
mit a specified number of minority members to question a witness for longer than 5 minutes. The time for extended questioning of a wit-
tness under this subdivision shall be equal for the members of the Committee or sub-
committee and may not exceed one hour in the aggregate.

(3) EXTENDED QUESTIONING OF WITNESSES BY STAFF.—The Chairman of the Committee or a Subcommittee, with the concurrence of the ranking minority member, or the Com-
mittee or subcommittee by motion, may permit committee staff for its majority and minor-
itv members to question witnesses for equal specified periods. The time for ex-
tended questioning of a witness under this
subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) Right to Question Witnesses Followed by Questioning.—In general: (1) Any Committee or subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express public or congressional opinion or otherwise reflect the views of any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee involved.

(2) Any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) Documents containing Views other than Member views.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) Disclaimer.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee involved shall contain the following disclaimer on the cover of such report: “This report has not been officially adopted by the Committee on (or pertinent subcommittee). It may not be published or filed in the Federal Register unless a majority of the members of the Committee on (or pertinent subcommittee) shall agree that it therefore necessarily reflects the views of its members.”

(4) Compilations of Laws.—To the maximum extent practicable, the Committee shall publish a compilation of laws under the jurisdiction of each subcommittee.

(5) Availability of Publications.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE VIII. JURISDICTION OF SUBCOMMITTEES; SIZE AND PARTY RATIOS.

(a) Establishment.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegees) and majority/minority ratios, are:

(1) Subcommittee on Administration: 48 Members: 28 Majority and 20 Minority.

(2) Subcommittee on Coast Guard and Maritime Transportation: 16 Members: 9 Majority and 7 Minority.


(4) Subcommittee on Highways and Transit (53 Members: 28 Majority and 24 Minority).


(6) Subcommittee on Water Resources and Environment (40 Members: 22 Majority and 18 Minority).

(b) Ex Officio Members.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) Ratios.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittee.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES.

(a) Authority to Sit.—Each subcommittee is authorized to meet, hold hearings, receive testimony, and all other proceedings of the Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairmen and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) Consideration by Committee.—Each bill referred to a subcommittee shall be automatically referred to the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that it is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES.

(a) General Requirement.—Except where the Chairman of the Committee determines, in consultation with the majority and minority members of the Committee, that consideration is to be given on the floor of the House and foreign relations, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rules and referred to by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittees of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) Specific Referral from Subcommittees.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority or of the minority of the Committee voting, a quorum being present, for the Committee’s direct consideration or for reference to another subcommittee.

(c) Multiple Referrals.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee subsequent to the referral) to two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES.

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT.

(a) Purpose.—The Committee shall carry out oversight responsibilities as provided in the resolution, or other matter favorably reported by a subcommittee shall be automatically placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall be automatically referred by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that it is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

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(b) Specific Referral from Subcommittees.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority or of the minority of the Committee voting, a quorum being present, for the Committee’s direct consideration or for reference to another subcommittee.

(c) Multiple Referrals.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee subsequent to the referral) to two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer such other provisions as he or she considers appropriate.

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those laws, and of such additional legislation, as may be necessary or appropriate.

(b) OVERSIGHT PLAN.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plan for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) REVIEW OF LAWS AND PROGRAMS.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, implementation, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and enforcement of such laws. In order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study such conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation or amending, altering, or extending the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future reviews and studies of continuing activities involved.

(d) REVIEW OF TAX POLICIES.—The Committee and the appropriate subcommittees shall cooperatively review and study the major tax policies having a continuing basis, the impact or probable impact of such policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.

(a) ENSURING ANNUAL APPROPRIATIONS.—The Committee shall review and assess appropriation legislation each year of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and purposes of the programs and activities involved.

(b) REVIEW OF MULTI-YEAR APPROPRIATIONS.—The Committee shall review, from time to time, any continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) VIEWS AND ESTIMATES.—In accordance with clause 4(d)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget the consolidated budget as approved by the Congress for the ensuing fiscal year.

(d) RECONCILIATION.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the jurisdiction of the Committee which involve activities or subject matter which the Committee may determine to make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Presidential Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS.

(a) KEEPING OF RECORDS.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing, a substantially verbatim account of the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a record vote is demanded.

(b) PUBLIC INSPECTION.—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. The public record shall include a description of the amendment, motion, order, or other proposition and the name of each member of the Committee voting for or against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) PROPERTY OF THE HOUSE.—All Committee meetings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee, and such records shall be the property of the House and all members of the House shall have access thereto.

(d) AVAILABLE OF ARCHIVED RECORDS.—(1) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House.

(2) The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4, to prepare a record of the Committee, and such records shall be the property of the House and all members of the House shall have access thereto.

(e) AUTHORITY TO PRINT.—(1) The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee or any subcommittee and any printed transcripts, a substantially verbatim account of any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

(f) MONTHLY REPORTS.—On the first of each month, the Committee shall submit to the Committee on the Budget, in writing, a full and detailed accounting of all expenditures made for which the Committee is accountable from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditures and the amount to which that determination is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

(g) ADJOURNMENT.—The Committee shall adjourn sine die on the date Congress adjourns sine die.

RULE XVI. COMMITTEE STAFF.

(a) APPOINTMENT BY CHAIRMAN.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee who are not members of Congress and who serve as staff at his discretion in accordance with the Committee's oversight responsibilities, as may be necessary or appropriate.

(b) APPOINTMENT BY RANKING MINORITY MEMBER.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the employees of the Committee who are not members of Congress and who serve as staff at his discretion in accordance with the Committee's oversight responsibilities, as may be necessary or appropriate.

(c) INTENTION REGARDING STAFF.—It is intended that the skills and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

RULE XVII. TRAVEL OF MEMBERS AND STAFF.

(a) APPROVAL.—Consistent with the payment of additional or unforeseen expense resolutions, such resolutions as may have been approved, the provisions of this rule shall govern the travel of Committee members and staff. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel.

(2) The date of departure and the date of return. Travel is to be made on the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of members and staff seeking authorization.

(b) SUBCOMMITTEE TRAVEL.—In the case of travel expenses incurred by subcommittee members, the Chairman shall prepare a consolidated subcommittee travel authorization.

(c) TRAVEL OUTSIDE THE UNITED STATES.—In consultation with the Chairman, the Committee expenses may be procured by one or more subcommittees, but all such travel shall be made at reasonable times in the offices of the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.
the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or a subcommittee for which prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Speaker that such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.
(B) The dates during which the travel will occur.
(C) The names of the countries to be visited and the length of time to be spent in each.
(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.
(E) The names of members and staff for whom authorization is sought.
(F) The names of members and staff of the Committee whom authorization is sought.

(2) INITIATION OF REQUESTS.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee upon authorization of the individuals submitting the request.

(3) REPORTS BY STAFF MEMBERS.—At the conclusion of any hearing, investigation, study, meeting, or conference for which travel was authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations to the Committee. The report shall be filed in a manner that allows for a reasonable time for review by the Committee.

(4) APPLICABILITY OF LAWS, RULES, POLICIES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

Mr. BOUSTANY (at the request of Mr. BOEHNEN) from noon today and for the balance of the week on account of attending the funeral of his father-in-law.

Mr. LOBIONDO (at the request of Mr. BOHNEN) for today and the balance of the week on account of attending the funeral of his father-in-law.

**ADJOURNMENT**

Mrs. DAVIS of California, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 13 minutes a.m.), under its previous order, the House adjourned today, Friday, February 16, 2007, at 8 a.m.

**EXECUTIVE COMMUNICATIONS, ETC.**

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

607. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department’s final rule — Food Labeling: Requirements of Dietary Supplements on a “Per Day” Basis (Docket No. 19683-0043) received December 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

608. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service’s final rule — Notice on Temporary Section 482 Regulations (Notice 2007-5) received January 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


**REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS**

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 976. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for businesses for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. SMITH of Nebraska, Mr. PUTNAM, Mr. SMITH of Nebraska, Mr. MOLLOHAN, Mr. CRENSHAW, Mrs. TURNER, Mr. STUPAK, Mr. SALI, Mr. SHEFTER, and Mrs. McPHERSON): H.R. 1062. A bill to require the President to report to Congress on the extent to which the Government of Iraq is fully cooperating with United States intelligence in Iraq and is making demonstrable progress toward achieving stability and security for the people of Iraq and denying terrorists a sanctuary in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions.

Mr. SULLIVAN: H.R. 1063. A bill to amend title 18, United States Code, to prohibit taking minors crossing international boundaries into the United States without the involvement of parents in abortion decisions; to the Committee on the Judiciary.
By Mr. BACA (for himself, Mr. Moore of Kansas, Ms. McCollum of Minnesota, Mr. Van Hollen, Mr. Farr, Mrs. Maloney of New York, Mr. Frank of Pennsylvania, Mr. Boedyn of Virginia, Mr. McDermott, Mr. Conyers, Mr. Cleaver, Mr. Dingell, Mr. Neal of Massachusetts, Mrs. McCarthy of New York, Ms. Ellison, Mr. Burton of Indiana, Mrs. Jones of Ohio, Mr. Al Green of Texas, Mr. Nadler, Mr. Stark, Mr. Scott of Georgia, Ms. Harris of California, Ms. Boyd of Kansas, Mr. Michaud, Mr. Kline of Florida, Mr. McIntyre, Mr. Kildeer, Mr. George Miller of California, Mr. Shays, Mr. Guelberth of Connecticut, Mr. Terry, Mr. Boswell, Mr. Gene Green of Texas, Mr. Dent, Mr. Hinchey, Mr. Hinojosa, Mr. Chandler, Mr. Weiner, Mr. Shumuke, Ms. Wasserman Schultz, Mr. Cooper, Mr. Honda, Mr. Holt, Mr. Ortiz, Mr. Young of Alaska, Mr. Hall of Texas, Ms. Schmick, Mr. Berman, Mr. Price of North Carolina, Mr. Delahunt, Ms. Kaptur, Ms. Kilpatrick, Mr. Patrick Murphy of Pennsylvania, Mr. Hoeffel, Mr. Akin, Mr. Creme, Ms. Berksley, Mr. Sherman, Mr. King of New York, and Mr. Doggett)

H.R. 1064. A bill to amend title 38, United States Code, to extend for 2 years the provisions under which the special postage stamp for breast cancer research is issued, to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. Mooney of Massachusetts, Ms. Lynn of New York, Mr. Ehrlichman of Maryland, Ms. Eiler of Alaska, Mr. Boyda of Kansas, Mr. McCarthy of New York, Ms. McCollum of Minnesota, Mr. Waxman of California, Mr. Nadler, Mr. Kennedy of California, Ms. Buxton of Ohio, Mr. Desaulnier of Michigan, Mr. Kennedy of California, Mr. Miller of Florida, Mr. Mack, Mr. Garrett of New Jersey, Mr. Gary G. Miller of California, Mr. Sessions, Mr. McCarthy of Texas, Mr. Rohrabacher, Mr. Blackburn, Mr. Fosseilla, Mr. Dreier, Mr. Pence, Mr. Kline of Minnesota, Mr. Wilson of South Carolina, and Mr. Barrett of South Carolina):

H.R. 1077. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Ms. CAPFES (for herself and Mr. Tom Davis of Virginia)

H.R. 1075. A bill to establish the United States Territories Infrastructure Bond Bank, and for other purposes; to the Committee on Natural Resources, and to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself and Mr. Christmas of Guam)

H.R. 1077. A bill to establish the United States Territories Infrastructure Bond Bank, and for other purposes; to the Committee on Natural Resources, and to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. Stupak, Mr. McCotter, and Mr. Kennedy)

H.R. 1076. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL of California (for himself, Mr. Daniel E. Lungren of California, Mr. Berman, Mr. Goode, Mr. Gormert, Mr. Price of Georgia, Mr. Doolittle, Mr. Lamborn, Mr. Sali, Mr. Goodlatte, Ms. Zoe Lofgren of California, Mr. Miller of Florida, Mr. Mack, Mr. Garrett of New Jersey, Mr. Gary G. Miller of California, Mr. Sessions, Mr. McCarthy of Texas, Mr. Rohrabacher, Mr. Blackburn, Mr. Fossella, Mr. Dreier, Mr. Pence, Mr. Kline of Minnesota, Mr. Wilson of South Carolina, and Mr. Barrett of South Carolina):

H.R. 1077. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Ms. CAPFES (for herself and Mr. Tom Davis of Virginia)

H.R. 1076. A bill to amend title XVIII of the Social Security Act to provide for coverage of innovative services under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice demonstration project to provide palliative care services, and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself, Mr. Skelton of Missouri, Mr. LaTourette, Mr. McCotter, and Mr. Graves):

H.R. 1079. A bill to amend title 49, United States Code, to limit the issuance in connection with background checks for the issuance of licenses to operate a motor vehicle transporting a hazardous material, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself and Mr. Udall of Colorado)
H.R. 1089. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. TAYLOR, Mr. JINDAL, Mr. MELANCON, Mr. ALEXANDER, and Mr. JONES of North Carolina):

H.R. 1081. A bill to further competition in the insurance industry; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, and the Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURIE (for herself, Ms. ROSLEHTEN, Mr. KENNEDY, Mr. JOHNSON of Georgia, Ms. LEE, Mr. JACKSON-LEE of Texas, and Mr. MOORE of Kansas):

H.R. 1082. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of seven coal teams resource centers, to assist local court teams, and for other purposes; to the Committee on Education and Labor.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. ALTMIRE, Mr. DOYLE, Mr. PITTS, Mr. TIM MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. HOLDEN, Mr. PETTIS of Pennsylvania, Mr. CARNEY, Mr. KANJORSKI, Mr. G. GERLACH, Mr. PLATTS, Mr. SHUSTER, Mr. SIECK, Mr. BRADY of Pennsylvania, Mr. DENT, Mr. MURTHA, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 1083. A bill to amend the Act establishing the Allegheny National Heritage Area in order to include Butler County, Pennsylvania, within the boundaries of that heritage area; to the Committee on Natural Resources.

By Mr. FARR (for himself and Mr. SAXTON):

H.R. 1084. A bill to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness, capabilities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRET of New Jersey:

H.R. 1085. A bill to amend and provide a new Internal Revenue Code to eliminate combat zone compensation of members of the Armed Forces from employment taxes; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 1086. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the military income of a spouse of a member of the Armed Forces of the United States serving in a combat zone; to the Committee on Ways and Means.

By Mr. EDDIE BERNICE JOHNSON of Texas:

H.R. 1087. A bill to amend the Clean Air Act to require that mercury emissions from electric utility steam generating units be subject to the MACT standard for hazardous air pollutants, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself and Mrs. MYRICK):

H.R. 1088. A bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, and other students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; to the Committee on Education and Labor.

By Mr. LANGEVIN (for himself, Mr. MCCULLCH of Texas, Mr. THOMPSON of Mississippi, Mr. ROGERS of New York, Mr. DICKS, Mr. SHAYS, Ms. ZOE LOFGREN of California, Mr. TOM DAVIS of Virginia, Ms. JACKSON-LEE of Texas, Mr. LEHMAN, Mr. CHRISTENSEN, Mr. DAVID DAVIS of Tennessee, and Mr. LINDER):

H.R. 1088. A bill to amend the Public Health Service Act, and the Secretary of Homeland Security to improve and expedite the assessment and determination of current and future chemical, biological, radiological and nuclear material threats, to group such agents to facilitate the assessment and acquisition of countermeasures that would address one of such agents or adverse health consequences common to exposure to different agents, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 1089. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program and the viability of personal Social Security guarantee accounts ensuring full benefits for all workers and their families, restoring long-term Social Security solvency, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1090. A bill to reauthorize the Hazardous Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. WILNER, Mr. LYNCH, Mr. BERNSTEIN, Mr. ACKERMAN, Mr. HIGGINS, Mr. ROEMER, Mr. SCOTT of Georgia, Ms. SCHAKOWSKY, and Mr. CLAY):

H.R. 1091. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and Labor.

By Mr. MEKK of Florida (for himself, Mr. PORTER, and Ms. CASTOR):

H.R. 1093. A bill to amend title XVIII of the Social Security Act to increase the Medicare cap on graduate medical education positions for States with a shortage of residents; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. WILNER, Mr. LYNCH, Mr. BERNSTEIN, Mr. ACKERMAN, Mr. HIGGINS, Mr. ROEMER, Mr. SCOTT of Georgia, Ms. SCHAKOWSKY, and Mr. CLAY):

H.R. 1094. A bill to authorize the Secretary of Education for certain educational assistance programs for States with a shortage of residents; to the Committees on the Budget, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1095. A bill to improve the grant program for secure schools under the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. KINKEL of New York):

H.R. 1098. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the stabilization of inefficient or impassable dams; to the Committee on Transportation and Infrastructure.

By Mr. SCHWARTZ (for herself, Mr. MURPHY of Virginia, and Ms. DIAZ-BALART):

H.R. 1099. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to protect disaster assistance employment opportunities for communities by the Federal Emergency Management Agency for work at a specific disaster site from termination or demotion in their places of employment; to the Committee on Transportation and Infrastructure.

By Mr. SHULER (for himself, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. PRICE of North Carolina, Mr. TANNER, Mr. MCINTYRE, Mr. EThERIDGE, Mr. THOMPSON of California, Mr. BUTTERFIELD, Mr. EMANUEL, Mr. HARE of North Carolina, Mr. UDALL of Colorado, Mr. KIRK, Ms. BIAN, and Mr. ELLSWORTH):

H.R. 1100. A bill to revise the boundary of the Sandyhook Historic Site in the State of New Jersey, and for other purposes; to the Committee on Natural Resources.

By Mr. SNEYDER:

H.R. 1101. A bill to provide for the payment of certain annuities under section 376 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SNEYDER (for himself, Mr. BOOZMAN, Ms. HERSHITH, Ms. LORETTA SANCHEZ of California, Mr. RHYNOLDS, and Mr. LATHAM):

H.R. 1102. A bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. WYNN, Mr. HASTINGS of Florida, Mr. UDALL of Colorado, Mr. CONVYER, and Mr. LUCAS of Georgia):

H.R. 1103. A bill to codify Executive Order 12896, relating to environmental justice, to
H.R. 688: Mr. ENGLISH of Pennsylvania, Mr. CLAY, Mr. COSTELLO, Mr. POE, and Mr. LIPINSKI.
H.R. 690: Mrs. JO ANN DAVIS of Virginia.
H.R. 692: Mr. W ALZ of Minnesota and Ms. BERKLEY.
H.R. 693: Ms. VELAZQUEZ.
H.R. 695: Mr. LYNCH and Mr. MCDERMOTT.
H.R. 698: Mr. TIERNEY, Mr. W ICKER, Mr. YARMUTH, Mr. CARNAHAN, and Ms. SUTTON.
H.R. 699: Mr. EVERETT.
H.R. 718: Mr. M EEHAN, Ms. H OOLEY, Mr. BISHOP of Utah, and Ms. BORDALLO.
H.R. 721: Mr. C ALVERT, Mr. WHITFIELD, Mr. BLUMENAUER, Mr. YOUNG of Alaska, Mrs. MYRICK, Mr. COBLE, Mr. G INGREY, Mr. NEUGEBAUER, and Mr. CRAMER.
H.R. 724: Mr. EVERETT.
H.R. 729: Mrs. D AVIS of California, Mr. GUTIERREZ, Ms. BALDWIN, and Mr. UDALL of Colorado.
H.R. 731: Mr. SESSIONS.
H.R. 741: Mr. RUPPERSBERGER, Mr. FERGUSON, and Mr. MCNULTY.
H.R. 743: Mr. RADANOVICH.
H.R. 748: Mr. FRANK of Massachusetts, Mr. LEWIS of Kentucky, Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. TANNER.
H.R. 758: Mr. VAN HOLLEN.
H.R. 768: Mr. CALVERT.
H.R. 769: Mr. CALVERT and Mr. WESTMORELAND.
H.R. 784: Mr. PLATTS and Mrs. JO ANN DAVIS of Virginia, Mr. 787: Ms. ZOE LOFGREN of California, Mr. MOORE, Mr. JOHNSON of Georgia, and Mr. OBRESTAR.
H.R. 797: Mr. CARNEY, Ms. CARSON, and Ms. BORDALLO.
H.R. 805: Mr. INOLES of South Carolina.
H.R. 814: Mr. TIERNEY.
H.R. 819: Mr. WELCH of Vermont, Ms. GIFFORDS, Mr. ARCURI, Mr. CAPUANO, and Mr. RYAN of Ohio.
H.R. 821: Mr. SCOTT of Georgia.
H.R. 829: Mr. PLATTS.
H.R. 840: Mr. CLEAVIR, Ms. BORDALLO, Mr. STARK, Mr. LYNCH, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 843: Mr. GOODE.
H.R. 855: Mr. MICA and Mr. WELDON of Florida.
H.R. 876: Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, and Mr. FORTEY.
H.R. 878: Mr. STARK.
H.R. 891: Mr. PASTOR.
H.R. 896: Mr. LINDER, Mr. FOSSELLA, and Mr. VISCONS.
H.R. 909: Mr. KING of New York and Mr. PUTNAM.
H.R. 920: Mrs. CHRISTENSEN and Mr. THOMPSON of Mississippi.
H.R. 925: Mr. CALVERT.
H.R. 938: Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. DAVIS of Tennessee, and Mr. TANCREDO.
H.R. 942: Mr. MCDERMOTT.
H.R. 947: Ms. ZOE LOFGREN of California.
H.R. 971: Mr. EVERETT, Mr. GRAVES, and Mrs. EMERSON.
H.R. 972: Ms. HIROKO.
H.R. 976: Mr. HALL of New York.
H.R. 977: Mr. GOODE, Mr. KNOXLENS, and Mr. CAMPBELL of California.
H.R. 1012: Mr. SHAWS.
H.R. 1039: Mr. COSTA, Mr. BLUMENAUER, Mr. PUTNAM, Mr. MANZULLO, Mr. WASSERMAN SCHULTZ, Mr. GENE GREEN of Texas, Mrs. DRAKE, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1055: Mr. SCHÖN of Austria.
H.R. 107: Mr. COSTA, Mr. BLUMENAUER, Mr. PUTNAM, Mr. MANZULLO, Mr. WASSERMAN SCHULTZ, Mr. GENE GREEN of Texas, Mrs. DRAKE, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 107: Mr. COSTA, Mr. BLUMENAUER, Mr. PUTNAM, Mr. MANZULLO, Mr. WASSERMAN SCHULTZ, Mr. GENE GREEN of Texas, Mrs. DRAKE, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 107: Mr. COSTA, Mr. BLUMENAUER, Mr. PUTNAM, Mr. MANZULLO, Mr. WASSERMAN SCHULTZ, Mr. GENE GREEN of Texas, Mrs. DRAKE, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 113: Mr. MATHERSON and Ms. JACKSON-LEE of Texas.
H.R. 128: Ms. HIROKO.
H.R. 147: Mr. BARRETT of South Carolina and Mr. JORDAN.
H.R. 163: Ms. KILPATRICK and Mr. GRIJALVA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 654: Mr. RYAN of Wisconsin.
The Senate met at 10 a.m. and was called to order by the Honorable BARACK OBAMA, a Senator from the State of Illinois.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by the Reverend Dr. J. Layton Mauze, III, of Gastonia, NC.

The guest Chaplain offered the following prayer:

Let us pray.

Gracious God, Creator of life and the sustainer of all things, including political things, we bow before You this day in humility and with thankful hearts to acknowledge that our lives are a gift of Your grace, renewed every morning and nurtured every day in Your tender care.

We begin this time together by acknowledging our faith in You and our dependence upon You. We begin by saying that our religious faith and commitment do influence our opinions and convictions, our daily and political life.

So help us never to let our politics or our religion become dirty by default, but help us to keep the moral integrally related to the political, and give us the wisdom and courage to stand for the hard right against the easy wrong.

Strengthen and encourage each of these Senators today, we pray, and guide and protect our beloved Nation, particularly in these ethically difficult times. May justice prevail and leadership based on integrity be the dominant note.

Keep us all faithful to the opportunities and challenges this day will bring, and make us a blessing to all those our lives will touch.

To that end, grant us that illumination without which we walk in darkness, that inspiration without which we spend our days in mediocrity, and that intelligence without which we stumble in folly.

This, our prayer, we offer to You in faith, and with thanksgiving in the strong Name of our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARACK OBAMA led the Pledge of Allegiance, as follows:

Pledge of Allegiance

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARACK OBAMA, a Senator from the State of Illinois, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be a brief period of morning business until 10:20, and then we will proceed to executive session to consider the nomination of Randy Smith, to be a U.S. Circuit Court Judge, and Marcia Morales Howard, to be a U.S. District Judge. Debate on these nominations is limited to a total of 10 minutes equally divided and controlled between the chairman and ranking member of the Judiciary Committee. At 10:30, the Senate will proceed to vote on confirmation of these two nominations.

I would like to indicate to Members that a third rollcall vote is likely shortly after these votes on the adjournment of the Senate, so Members should plan on three votes instead of two.

Following these votes there will be morning business, with the first hour controlled by Senator LEAHY and then the Republican leader or his designee will control an hour.

Mr. President, in a short time, we will approve the first circuit court judge of this Congress. The distinguished Republican leader and I have had conversations about having as little acrimony—in fact, hopefully none—on circuit court judges. The last Congress will be noted for a number of things and one will be the contentiousness of the circuit court judges that came before the Senate. I have made a commitment to my friend from Kentucky that we will move forward on these. We have had conversations with the President, and he is going to do his best to send us circuit court judges that are not people who cause a lot of heartburn on this side, and we think that is totally possible and in keeping with the standards President Bush wants for these circuit court judges. So this is a time when we are going to try to work together to move forward.

Randy Smith is the first, and I say to everyone, it wasn’t easy to get him here. He has been nominated for one position and then another position. There was a little holdup to begin with, but we are beginning to work through this, as we wish to do. We have members of the Judiciary Committee who...
understand this and the two managers of this committee, the chairman, Senator Leahy, and the ranking member, Senator Specter, know of our concern, and that is the concern of Senator McConnell and myself, and we are going to do our very best to make sure this circuit court position time but the first of a significant number who can at least meet the standards of Congresses similarly situated as ours.

RECOGNITION OF THE MINORITY LEADER

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

NOMINATIONS

Mr. McConnell. Mr. President, let me echo the remarks of my good friend, the majority leader, about the circuit court judge situation. We are off to a good start. I wish to thank him, and I wish to thank Chairman Leahy for moving the Randy Smith nomination to the Ninth Circuit. As the majority leader has indicated, that vote will be at 10:30. We have had many good conversations, the majority leader and myself, about restoring comity to the Senate on the business of dealing fairly with the President’s nominations for circuit court judgeships.

The President pro tempore met the Senate halfway—some would say more than halfway—demonstrated by his actions at the beginning of the Congress and by the people he has chosen to resubmit for our consideration. The President’s efforts have been recognized and lauded by the Washington Post, the Los Angeles Times, and several other publications. These papers have noted the burden is now on the Senate to reciprocate and treat the President’s nominees fairly, and we are off to a good start in doing that.

Moving the Smith nomination today is an act of good faith on the part of the majority leader and Senator Leahy, which I and others on this side of the aisle appreciate. It is a good beginning. Of course, it is only a beginning, but it is a good beginning. As I have said, the President should be treated as fairly as his immediate predecessors, each of whom finished their terms with the Senate in control of the opposition party. We are seeing Presidents received an average of 17 circuit court nominations confirmed. If this President is not treated as fairly as his predecessors, then, of course, the comity and cooperation in the Senate might be harder to come by.

There has been no consensus. There has been no agreement, any understanding, any vote, on this question. Without any votes, on the major issue of our time.

So what has changed in the last 3 days? There have been no negotiations. There has been no consensus. There has been no agreement. There has been no understanding of how we are going to proceed on this question, without any votes, on the major issue of our time. The Senate is on the sidelines. The House of Representatives is debating and will be voting. As I said on Monday, when our troops are on the frontlines, the Senate is on the sidelines. What is the difference between these two?”
our troops have been subjected. There will be infinitely more of those examples, given the mission the President has proposed in Baghdad.

The father of the soldier told me: My son’s first interpreter was a spy. Those are the kinds of precarious and dangerous circumstances under which our soldiers are facing extraordinary challenges. Now they are being requested to go door-to-door in Baghdad, as this soldier was doing in Baquba. His father said they were going door to door, clearing them out, only to find they were coming back in. That is the circumstances our troops will face in this very dangerous mission in Baghdad.

While we are on recess, all of this will be underway. Yet we have no plan to debate and to vote on our respective views and positions on this question.

This is not in keeping and consistent with the traditions and practices of the Senate. I have served in both the House of Representatives and the Senate for 29 years. I have witnessed and been part of debates that range from Lebanon to the Persian Gulf to Somalia to Bosnia to Panama. We were able to exercise our views, whether we were in the minority or the majority. We had the opportunity soon. The Senate Republicans. However, I am very confident that Senate Republicans will insist on having at least one alternative for going forward that is fair to everyone.

Everyone within the sound of my voice should understand, we are in the Senate. Procedurally it is very difficult, many times, to get from here to there. I started as quickly as I could to get here.

But fundamental fairness is essential on the most important issue confronting the country.

I yield the floor.

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

IRAQ DEBATE

Mr. REID. Mr. President, I will use leader time.

Mr. President, I have the deepest respect for the Senator from Maine. I care about her a lot. She is a good legislator and a very strong woman, strong person, someone who stands up for what she thinks is right. I admire her for that.

However, those are interesting comments that I have just heard from my friend regarding an Iraq debate. While I respect the Senator from Maine and, as I have said I appreciate her sense of urgency, I say with all due respect, she is coming late to the party.

Last week, when Senators had the opportunity to hold an important debate about Iraq, she and others chose to prevent that debate. Some of them, including my friend from Maine, voted against their own resolution by not invoking cloture. While it is heartening to know that they would like to have an Iraq debate now, why then last week? Where were they when the Senate was trying to send a message to President Bush to stop the escalation? Where were they when we were trying to send a message in standing up for our troops in Iraq? The answer: Obstructing. Playing politics.

Don’t tell me about politics. They were putting the political needs of the White House ahead of our troops’ need for a new direction in Iraq.

If not for the actions that took place last week, we would have been finished with this debate regarding the escalation in Iraq. We could have already sent a strong message to President Bush that he stands alone in supporting escalation. We could have joined the House in expressing our support for the troops and our opposition to the so-called surge. But because there was a political game being played with the war, the American people still do not know where their Senators stand on escalation.

I take it as a comment I have heard—not only from the Senator from Maine but from others on the other side of the aisle—that a number of Members had a change of heart; that, in the future, I would hope, many of them will be joining us in an important Iraq debate.

Everyone within the sound of my voice should understand, we are in the Senate. Procedurally it is very difficult, many times, to get from here to there. I started as quickly as I could to process this matter. On Tuesday, I moved to Rule XIV so we could have the House resolution before the Senate. I would hope we will have that opportunity soon.

This week, the House of Representatives is debating a bipartisan resolution on escalation. Last night, as I have indicated, I started the process—again, moving one step further to bringing the legislation closer to the floor of the Senate, a resolution saying we support our troops and we oppose the escalation.

When the Senate returns after the break, we will deal with the House resolution in some manner. The American people deserve, as I have said, to know where every Member of the Senate stands on the so-called surge. It is an important issue facing our country.

I repeat what I said about the Senator from Maine. I care about her a lot. But I really am somewhat lost in the logic of her debate.

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

ISSUE OF FAIRNESS

Mr. MCCONNELL. Mr. President, using some of my leader time, let me respond briefly to my good friend, the majority leader.

The Senate Republicans are fully prepared to have a debate on the Iraq war. We were prepared to have a debate on the Iraq war last week. We anticipated it. The issue is whether the Senate will operate like the House. It will not.

In the House, they have one Iraq resolution. The minority gets no voice at all, up or down, on one proposal. As my good friend, the majority leader, and certainly the majority whip said repeatedly over the years, the Senate is not the House. Senate Republicans are anxious to have the Iraq debate. We are not trying to avoid it in any way, whatever. But there will be, at the very least, a proposal that a majority of Senate Republicans support in the queue to be considered so that we will have an alternative.

Now, the majority leader and I have had a number of discussions about this issue over the week. I am still hopeful we can work this out and have a process for going forward that is fair to Senate Republicans. However, I am very confident that Senate Republicans will insist on having at least one alternative favored by a majority of our Members. Again, I am not anticipating that we will end up in the same position we were last week. The majority leader and I are continuing to talk about it.

But fundamental fairness is essential on the most important issue confronting the country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have two votes scheduled at 10:30. We were supposed to have 15 minutes reserved for Senator LEAHY and myself, and I know Senator HAGEL is in the Senate and wants a little time.

With the majority leader in attendance, I wonder if we might adjust the timing so we can talk about these issues at least for a few minutes?

Mr. REID. I say to my friend, the question is an excellent question. We have, as the Senator knows, a funeral taking place today for Dr. Norwood. We changed the vote around 11 o’clock until 10:30 today so a large contingent of Senators and House Members can attend the funeral. If we do not start the votes at 10:30, they will not be able to attend.

Mr. SPECTER. I accept that. May I use the last 4 minutes to speak?

I yield to the Senator from Nebraska for a minute.

Mr. HAGEL. I appreciate that.
NORMAN RANDY SMITH TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

MARCIA MORALES HOWARD TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following nominations en bloc.

The clerk will report.

The assistant legislative clerk read the nominations of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit and Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

Mr. LEAHY. Mr. President, today, we consider nominations for lifetime appointments to the Federal bench, including Judge Norman Randy Smith to the Court of Appeals for the Ninth Circuit. Judge Smith was nominated to a seat on this Circuit designated as a judicial emergency by the Administrative Office of the Courts. Judge Smith's nomination easily could have been confirmed in the last Congress—and the emergency addressed many months ago—had the Bush administration chosen the common-sense approach it has now followed of nominating Judge Smith—who is from Idaho—to Idaho's seat on the Ninth Circuit.

Instead, the President picked a fight by insisting on nominating Judge Smith to a California seat on the Ninth Circuit. Judge Smith had been nominated to fill the seat last occupied by Judge Stephen Trott, an appointee from California who made a personal decision to move to Idaho. I know of no precedent for shifting a circuit seat based on a judge's personal decision to change his or her personal residence. That generated opposition from the California Senators and created an impasse. I supported the California Senators, as I had Senators Sarbanes and Mikulski in a similar circumstance when this President sought to fill a Maryland seat on the Fourth Circuit with someone from Virginia.

I have tried for some time to get the President to designate the Smith nomination and nominate him to fill the Idaho vacancy. At long last, the President has done the right thing. The White House finally changed course and the President nominated Judge Smith for the Idaho seat on the Ninth Circuit. I thank the President for finally doing the right thing.

With the cooperation of the Senators from California and the other Members of the Judiciary Committee, we were able to avoid having a hearing on Judge Smith's nomination in this Congress and to expedite his consideration, now that he has been designated for the Idaho vacancy. We were able to report Judge Smith's nomination last Thursday, Today, at long last, Senator Craig and Senator Crapo and the people of Idaho will have a judge on this important court from their home State.

We have worked hard since convening this Congress to make significant progress in our consideration of judicial nominations. At our first executive business meeting, the Judiciary Committee reported out five judicial nominations in less than 2 weeks. Now, 3 months after they were sent to us. Three of these were for vacancies determined by the Administrative Office of the U.S. Courts to be judicial emergencies. All five were among those returned to the President without Senate action at the end of last year when Republican Senators objected to proceeding with certain of the President's judicial nominees in September and December last year. All five were confirmed only 3 weeks after they were nominated.

Last week, we reported another five nominations, including the nominations we consider today. We reported nominees from the home States of Senator SPECTER and Senator GRASSLEY and I want to thank Senator CASEY and Senator BOND for facilitating their consideration of nominees from their home States and approving them so quickly after taking office. I have worked cooperatively with Members from both sides of the aisle on our Committee to consider quickly and report 10 judicial nominations so far this year, allowing us to fill vacancies and improve the administration of justice in our Nation's Federal courts.

With the five confirmations last week we have confirmed more of President Bush's nominations in the 18 months I have served as Judiciary Committee Chairman than in the more than two years when Senator HATCH chaired the Committee. I have sent to the Republican Senate majority or during the entire last Congress with a Republican Senate majority.

With Judge Smith's confirmation today, we will have confirmed a nomination to one of the Nation's important circuit courts little more than a month after the Republicans agreed to resolution allowing the Senate to organize. That is more than the total of President Clinton's nominations to circuit courts confirmed by the Republican-controlled Senate during the entire 1996 session. Today, with this one confirmation we will surpass the Republican total for an entire session of the Congress.

Last week, we also held the first judicial nominations hearing of the new Congress and considered three more nominees, two of whom are nominated to fill judicial emergency vacancies. We held that hearing on February 6. When a Republican chaired the Committee and there was a Democratic President, the first hearing on a judicial nominee was not held until June 16. We could have postponed this hearing because it was at the same time as the Senators briefing on the new National Intelligence Estimate about the deteriorating situation in Iraq. As I did after 9/11, and after the Senate buildings were shut down by the anthrax letters, I chose to go forward with the nominations hearing.

I know some on the other side of the aisle have tried to raise a scare since I, again, became Chairman of the Judiciary Committee. They rant as if the sky is falling and as if we would not proceed on any judicial nominations. On the contrary, we have proceeded promptly and efficiently.

I have long urged the President to fill vacancies with consensus nominees. After this week's confirmations, according to the Administrative Office of the U.S. Courts there will be 51 judicial vacancies, 24 of which have been reported to the Senate but not acted on. Of those 24 judicial emergency vacancies, the President has yet to send us nominees for 17 of them. That means two-thirds of the judicial emergency vacancies are without a nominee from the President.

We will continue moving forward efficiently as long as the President sends us qualified, consensus nominees.

Mr. HAGEL. Mr. President, just a brief response to the distinguished majority leader about motives as to debate on Iraq.

I don't know a Senator who has been clearer or more concise on this administration's positions than the senior Senator from Nebraska. To suggest that some on this side are impeding or trying to protect the Bush administration's policy on Iraq, specifically escalating our military involvement in Iraq, is a bit off the mark. The fact is, the minority leader is very clear in his purpose. I have supported that. Minority rights are the essence, the foundation of this body. The majority should have an opportunity to present their resolution or resolutions. It should not be dictated to by the majority.

Make it very clear, those on this side who have pushed for this debate are very clear in our position. I doubt if there is anyone who has been clearer than this Senator.

I yield the floor.

Mr. SPECTER. Mr. President, there is only a minute left before 10:30, not enough time to discuss. I ask unanimous consent I be recognized at the conclusion of the third vote for 10 minutes.

Mr. LEAHY. I did not hear the request.

Mr. SPECTER. My request—we were supposed to speak, but the time has been consumed otherwise. With only less than a minute left until 10:30, I have asked for consent to speak for 10 minutes at the conclusion of the third vote.

Mr. LEAHY. At the conclusion of the third vote?

Mr. SPECTER. Let me amend that to ask for 10 minutes for the chairman of the Judiciary Committee.
Mr. LEAHY. I have an hour reserved after the third vote anyway. Certainly, if the Senator from Pennsylvania wants to take his 10 minutes ahead of that hour, I have no objection.

Mr. SPECTER. I ask consent to that request.

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

VOTE ON NOMINATION OF NORMAN RANDY SMITH

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate address and consent to the nomination of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. LOTT. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GRASSLEY), and the Senator from Texas (Mrs. HUTCHISON).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

(Rollcall Vote No. 49 Ex.)

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Brownback
Bunning
Burk
Byrd
Cardin
Carper
Casey
Chambliss
Claytor
Collum
Coats
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
NOT VOTING—6

Boxer
Dodd

The nomination was confirmed.

VOTE ON NOMINATION OF MARCIA MORALES HOWARD

Mr. LEAHY. Mr. President, Judge Marcia Morales Howard, nominated to the Middle District of Florida, has the bipartisan support of both Florida Senators. With valuable experience as a Federal magistrate judge and as an experienced litigator, Judge Howard is well versed in litigation matters in Federal court. Judge Howard graduated from Vanderbilt University with a B.S. in 1987, and received her J.D. with honors in 1990, from the University of Florida College of Law, where she served as Symposium Editor for the Florida Law Review.

As a litigator in private practice, Judge Howard worked mostly on complex civil litigation matters in Federal court as an Associate with the law firm of Foley and Lardner, and later worked on labor and employment law cases as an Associate, and then Partner, at the law firm of McGuireWoods, LLP. Judge Howard has also shown her dedication to helping others by pro bono legal services through the Jacksonville Area Legal Aid and pro bono seminars through the Jacksonville Center for Independent Living to disabled individuals informing them of their rights under the Americans with Disabilities Act.

I understand that Judge Howard is a first generation Cuban-American. She is being called upon to fill a position in one of the fastest growing areas in Florida. Senator NELSON has been a strong supporter of this nomination and has pressed for early action. I thank both Senators from Florida for their interest in this nomination. I also understand that her great-grandfather celebrated his 100th birthday just 2 weeks ago, on February 1. Her confirmation today is testimony to the great promise that America holds for people from all parts of the world, that the granddaughter of someone who came to America can become a Federal judge.

I congratulate the nominee and her family on her confirmation today.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, may I claim 1 minute as ranking member of the Judiciary Committee?

I think Senator NELSON and Senator MARTINEZ had important things to say about the nominee, but I don’t think anybody heard them. So if I could have the attention of my colleagues.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. The nominee has an outstanding record, having served as a United States magistrate. She graduated from Vanderbilt in 1987, and from the University of Florida College of Law, with honors, in 1990. She has an outstanding professional record. I urge my colleagues to support her nomination.

The PRESIDING OFFICER. The question is, Will the Senate address and consent to the nomination of Marcia Morales Howard, of Florida, to be a United States District Judge for the Middle District of Florida?
Mrs. MURRAY. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. LOTT. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Oklahoma (Mr. INHOFE).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "yea."

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

The result was announced—yeas 93, nays 0, as follows:

(Rollcall Vote No. 50 Ex.)

YEAS—93

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Brownback
Bunning
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Collins
Conners
Cooper
Corzine
Craiovan
Craig
Crapo
DeMint
Dole
Boxer
Dodd
Ensign

Mikulski
Markowski
Darin
Nelson (FL)
Nelson (NE)
Obama
Fryer
Grassley
Reed
Reed
Roberts
Santorum
Sanders
Schumer
Sensenbrenner
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voynovich
Warner
Weib
Whitehouse
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider and lay on the table is agreed to, and the President will be immediately notified of the Senate’s action.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I announce to all Democratic Senators: We are having a caucus in Room S–219. The subject matter of this caucus is interesting.

I have a unanimous consent request that I am going to propose.

Mr. President, you and the other Members to be present. I am having a little script prepared for me to read.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUESTS

Mr. REID. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, February 26, the Senate proceed to the consideration of H. Con. Res. 63, the House Iraq resolution; that there be 12 hours of debate; that the debate be divided equally between the two leaders; that no amendments or motions be in order; and that the Senate vote on passage of the concurrent resolution at the conclusion of that time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican party is to propose.

Mr. MCCONNELL. Mr. President, of course, I will object. This is right back where we were a week ago. As the distinguished majority leader and the distinguished majority whip have said on numerous occasions in the last couple of years, the Senate is not the House. Senate Republicans are going to insist on fair treatment on the most important issue on the minds of the American people today; that is, the war in Iraq. The Senate simply cannot—and I say that with implementing the 9/11 recommendations, that will be a vehicle which will be open to debate and amendment.

The unanimous consent request I proposed would complete work on the Iraq surge issue within a matter of hours, as I indicated, so that we could move within a day, 1 day, to 9/11 and amendments—Warner, Gregg, McCain, whatever amendments the minority wanted to offer; they would certainly be permitted to do so.

We find ourselves in a very unusual position, Mr. President. We tried to proceed to this matter before. Everyone has heard the arguments used to stop us from going forward on this issue. That is what we think should be disposed of quickly. We can move to 9/11, all the debates on other things people want to do with Iraq and other issues. Certainly, they can do that. We can spend considerable time on that. As long as progress is being made, there is no reason to file cloture. There are other things we need to do the following week during the work period.

We are anxious to go forward on this issue. We have, again, been stopped from doing that. All the plaintive cries about not being able to debate Iraq—there were opportunities to debate Iraq, and they were turned down. I was disappointed, as I said earlier today, that the people crying the loudest are the people going forward on Iraq.

It is my understanding, Mr. President, that the order is Senator LEAHY has 1 hour right now.

The PRESIDING OFFICER. The Senator from Pennsylvania is to be recognized first for 10 minutes and then Senator LEAHY.

The Republican leader is recognized. Mr. MCCONNELL. Mr. President, we are not here today, I assume, to debate the substance of the Iraq matter, but it is important to remember that both the majority leader and the majority whip in December were saying a surge might be a good idea. I am not sure they are saying the only resolution we should have before the Senate is one condemning a surge. Let me repeat, that is not the way the Senate works.

So I would like to propose a unanimous consent request, Mr. President.

I ask unanimous consent that on Tuesday, February 27, at a time determined by the majority leader, after
consultation with the Republican leader, the Senate proceed en bloc to the following concurrent resolutions under the following agreement: a concurrent resolution, if received from the House, the text of which is at the desk; S. Con. Res. 7, the Warner resolution which is to be discharged from the Foreign Relations Committee; the McCain-Graham-Lieberman amendment regarding benchmarks; the Gregg amendment related to funding.

I further ask unanimous consent that there be a total of 12 hours of debate equally divided between the two leaders or their designees; provided further, that no amendments be in order to any of the measures; further, that at the use or yielding back of time, the Senate proceed to four consecutive votes on the adoption of the concurrent resolutions in the following order, with no further action or intervening debate: first, McCain-Lieberman-Graham, then Gregg, then Warner.

Finally, I ask unanimous consent that any resolution that does not receive 60 votes in the affirmative, the vote on the adoption be vitiated and the concurrent resolution be returned to its previous status.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, again, this is an attempt to divert attention from the issue before this body; that is, whether there would be a surge in Iraq. That is—it—an escalation. And this attempt by my friend, the Republican leader, to divert attention from this very important resolution—we support the troops, we oppose the escalation—is now going to be obfuscated if, in fact, we agree to this request, and therefore we will not.

This body is going to have the opportunity to vote up or down if, in fact, we can ever have a vote on the resolution. This body will have an opportunity to vote up or down: Do you support the troops? Do you support the surge?

I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if this were to be allowed, this would be the second bill in a row where no amendments have been offered to a 49-member Republican minority. I have been here a couple of decades now, and I am having a hard time recalling a situation such as this. This is the kind of thing Senator Byrd would get on his feet and decry as inappropriate in a body that thrives on debate and resolution. It is astonishing to me that it is being suggested, on the single biggest issue confronting the American people, that we would have 1 choice, dictated by a Democratic majority of 51 in a body that is simply unacceptable to this side of the aisle.

I think the message here from this discussion this morning is that the majority leader and myself ought to sit down, work out a consent agreement, a reasonable consent agreement to both sides, and structure the debate for our return.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. MCCONNELL. I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, is the minority leader aware of the content of the measure that is proposed by myself, Senator Lieberman, Senator Graham, and others? What is it, is a proposal to set up benchmarks but also to support the surge or the change in strategy.

Can the Republican leader explain to me why it is we shouldn’t have a proposal that opposes the surge, with a vote on that, and a proposal that supports it and a vote on that?

I have only been around here 20 years, not nearly as long as Senator Byrd, Senator Lieberman, Senator Graham, and others. What is it, is a proposal to set up benchmarks but also to support the surge or the change in strategy.

Mr. ROBERTS. Mr. President, the message is clear: The majority leader is recognized.

Mr. REID. Mr. President, I wrote down the plaintive cries from my friends on the other side of the aisle: never again on the Senate work this way.

I say to my friend, the distinguished senior Member of this body, Senator Byrd, who has a fine memory, we have memories. Now, there are 10 Senators
here who may not, but we remember, on a multitude of issues when we were in the minority, when we had no opportunity to debate anything or to offer amendments on anything.

One of the other issues was "astroturfing." Presidents want a majority in the U.S. Senate. Anyone with any memory whatsoever understands how we were treated before, but when I became the majority leader, I said that I believed in the Golden Rule. I said I would treat people the way I want to be treated, that this is not about retaliation. In fact, I have followed the Golden Rule. We have had bills, such as the matter dealing with ethics or the matter dealing with minimum wage, and, of course, the CR we just finished had input from both sides or it would not have passed.

So I would say this: We can go with the unanimous consent request I have propounded, and within a few hours, when that day ended, the 12 hours ended, we could be on whatever amendments they wanted to offer to the homeland security measure.

I will go one step further than that. My friend from Arizona has suggested that he be allowed to offer his amendment, if not that, then that we do the House-passed resolution and we do the McCain amendment and we spend 12 hours on those two matters the minute we get back here after this break, or if they want to do it tomorrow would be agreeable to that.

So my proposal, without a lot of fancy words here, Mr. President, is we would take up the House measure that is now before this body—it is going through the process and is at the desk—and also do the McCain amendment. Those two matters, those two resolutions, one opposing the surge and one in favor of the surge. No other amendments would be in order. We could do that. We can have a debate on that, then still, just a matter of hours later, we can move to homeland security, and the people who believed they had been left out of the debate could offer whatever amendments they wanted to on homeland security. That is my proposal.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will object momentarily, once again the majority leader, under rule XV to fill the tree, which all Members here, with the speeches just made, agree is the most pressing issue facing the country, and the Senate can't address it. And the Senate can't address it because the majority leader has the right under rule XV to fill the tree, which precludes any action by the Republicans, unless we Republicans exercise our right to withhold cloture.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SPECTER. I will be glad to yield but on additional time. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I will yield to the Senator from West Virginia for a question.

Mr. BYRD. Mr. President, I just want to interpose a point here. I think I heard the Senator make reference to the majority leader having the right to fill the tree. No, he doesn't. He does not. He has the right if no other Senator seeks recognition. But once the majority makes a motion or an amendment to the bill, at that second he loses the floor until the Chair states its business, and while he has lost the floor, another Senator can seek recognition. I merely make the point the majority leader does not have "the right." No other Senator has "the right" to fill the tree. If other Senators do not intervene, then of course he will fill it.

Mr. SPECTER. Mr. President, if I may regain the floor because I have a limited time, Senator Byrd's observations after being here for 26 years-plus are that when the majority leader then seeks recognition again, he gets it.

Mr. BYRD. Yes.

Mr. SPECTER. And when he makes the amendment, in the first-degree and then he seeks recognition again, he gets it, an amendment in the second degree, and he does fill the tree.

Last week I proposed to change the rule. This rule has been exercised by Senator Dole, Senator Mitchell, Senator Byrd, and all the majority leaders in the last two decades. I think it is time we change the rule.

Mr. DURBIN. When they did not accept this, a cloture motion was filed on a motion to proceed, and they voted against it. They have come back since then saying they want the opportunity to debate. They can't have it both ways.

The PRESIDING OFFICER. Regular order to proceed is called for. Under the previous order, the Senator from Pennsylvania is to be recognized for 10 minutes.

Mr. SPECTER. Mr. President, I had requested 10 minutes to speak on the subject, but I want to use a few minutes here to talk about what is on the table.

We have just seen the Senate, for the better part of an hour, with a majority of the Senators on the floor, demonstrate gridlock and paralysis. I have an observation to make—and perhaps it would be an admonition or a warning—that the Senate is about to become irrelevant. We have, on the other side of the Rotunda, the House of Representatives taking up the issue of Iraq, which all Members here, with the speeches just made, agree is the most pressing issue facing the country. And the Senate can't address it. And the Senate can't address it because the majority leader has the right under rule XV to fill the tree, which precludes any action by the Republicans, unless we Republicans exercise our right to withhold cloture.

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We are not going to change the rule now. But I do believe that the Senate is in real danger of becoming irrelevant. I don’t think we ought to be dominant over the House of Representatives, but I think we ought to at least be equal.

Mr. SPECTER. No; I wish to finish. I think we ought to at least be equal. What we have is that we are close to anarchy. We have been debating the debate all week. The House has rules which it wants, where the Rules Committee goes off and comes back and limits what the House of Representatives can do. Sometimes that is despotism, and between anarchy and despotism, it is a fairly tough choice. But right now, I am finding it difficult—impossible—to answer my constituents about what the Senate is doing. I tell them the tree is filled. They think I am talking about an or- chard. I tell them we are debating whether we are going to have a debate, and they can’t understand what we are doing.

I counted the Senators on the floor during the exchange between the majority leader and the Republican leader. We had more than 50 Senators here sitting around on the debate for a debate without reaching a resolution. I think Senator MCCONNELL is correct. I do not say that in the partisan sense, if I can attract the attention of the distinguished Republican leader. I think he is correct. But I repeat I do not say it in a partisan sense. There ought to be an accommodation and there ought to be an agreement reached between the leaders. When you have the pro- poseal to have a variety of resolutions, that is the way of the Senate.

Senator MCCAIN has been here for 20 years. Senator MCCONNELL has been here for 22 years. I have been here for 26 years. Senator BYRD has been here for—I can’t count that high—48 years, going on 49. This is not the world the Senate ought to work in. But it is the way the Senate has worked, with all the majority leaders in the last two decades exercising their right of rec- ognition and filling the tree and tying up the Senate.

Now the Senate is finally caught. We are finally caught where America and the world see what we are doing. It is a little ridiculous to have this kind of gridlock and this kind of paralysis.

How much time do I have left, Mr. President? I have to talk about the judges.

The PRESIDING OFFICER. The Sen- ator has 4 minutes 40 seconds.

Mr. SPECTER. Let me yield to the Senator from West Virginia who wanted recognition—for a question.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding. I have this comment. First of all, I wish to congratulate the Senator. He is very observant. He is concerned about the Senate. He understands the rules. But while he understands the rules, we do not need any more rules. We have rules. Senators need to insist on their rights as Senators and they ought to speak up so they can be heard and they ought to pay attention. We don’t need new rules. We have rules that have been here for many years, and they have been tried and tried and tried again. We need to read the rules. Senators should read the rules and Senators should understand that they are Senators and they should be proud of that fact. We should demand that the rules be observed. I could do that. Every Senator can. We don’t need new rules. Senators should understand the rules we have. We need to insist on those rules, and the Chair ought as well to insist that the rules be ob- served.

No Senator needs to seek recognition to have the rules observed.

Mr. SPECTER. Mr. President, reg- ular order. May I reclaim my time?

The PRESIDING OFFICER. The Sen- ator from Pennsylvania.

Mr. SPECTER. How much time re- mains, Mr. President?

The PRESIDING OFFICER. Three minutes.

Mr. STEVENS. Will the Senator yield to me for a parliamentary in- quiry? What is the time situation? The Senator has 3 more minutes. What fol- lows the Senator?

The PRESIDING OFFICER. The Sen- ator from Vermont has 1 hour in morn- ing business, succeeded by the Repub- lican leader.

Mr. STEVENS. I have been around for a little while. I would like to see if I could have 3 minutes following the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, I have yielded already to Senator SPECTER on my hour. So far I have been dramatically chang- ing the schedule of my office to accommodate everybody. The Senator from Alaska is one of the oldest and dearest friends I have here. If he wants 3 minutes, I will not object to him following Senator SPECTER for 3 minutes. But then I will insist and will not yield on my hour after that be- cause we created too many problems already in my schedule.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the sequence of speakers, I ask that fol- lowing Senator LEAHY’s 1 hour, there be 5 minutes for Senator CRAPO and 5 minutes for Senator CRAIG to talk about a judicial nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. As a final statement, it is my hope that the majority leader, Senator REID, and Republican leader, Senator MCCONNELL, before the day is over, will announce some accommodation so that there can be a fair resolution of the de- bate—so this body does not become ir- relevant and we do not present a pic- ture to the American people of grid- lock and paralysis, but we show we are still the world’s greatest deliberative body because we are about to cede that title to the House of Representatives which we seem to be deliberating, which we are not doing—and that we take up the Iraqi issue and we show the American people and the world we can reach an accommodation, we can de- bate in accordance with the traditions of the Senate.

I ask my colleagues to seriously con- sider the resolution I introduced to change rule XV. I agree with Senator BYRD. We do not need more rules, but we need a little modification of rule XV.

I thank my colleague from Vermont and yield the floor.

The PRESIDING OFFICER. The Sen- ator’s time has expired. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have not been here as long as my good friend from West Virginia, but I am the senior Member of this side. I cannot remem- ber a time when we tied together the concept of filing a first-degree amend- ment, then a second-degree amend- ment, with cloture so it entirely shut off any participation by the minority. It has been stated here it has happened. I do not recall that. I recall back in the days of the Clinton administration, Senator BYRD had a proposal, a similar proposal, but we had a big ruckus. I am sure the Senate remembers. Senator Dole was our minority leader then.

This is a defining moment for the Senate. Because as the Senator from Pennsylvania has indicated, if the ma- jority of one can go to the House and negotiate a bill and bring it back and there are not going to be any amend- ments, we are going to file a first-de- gree amendment, a second-degree amendment, and have cloture or else— the Senate is totally irrelevant.

Having been in the minority and in the majority, I think the majority ought to think twice. There is only one vote difference here right now, two votes when our good friend from South Dakota comes back. But as a practical matter, the rights of the minority— really the whole country—depend upon the minority in the Senate having an opportunity to voice some of the con- cerns about what has happened in the House.

Mr. SPECTER. In all sincerity, this is a defining moment. I believe the message we are trying to send on this Iraq resolu- tion is wrong. I think it is harming the people who represent us in Iraq and Af- ghanistan. Even Afghanistan is coming back. We are going to have to send a new group, the 175th, over there to deal with al-Qaida in Afghanistan, again.

Our people need support, and we need to be able to articulate the reasons why we support them. If we follow the outline of the majority leader, we will not have that change except by talking and talking. But no amendments.

It is not right. It is not the Senate. I do not intend to stand by and see the
Senate lose its role under the Constitution to be the second House of the Congress. This is not a rubberstamp for the House. That is what we will be if we follow the intention of the majority leader now.

Mr. LOTT. What is the order, Mr. President?

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LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. Tester). Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will conduct a period of morning business.

The Senator from Vermont is recognized for 60 minutes.

Mr. LEAHY. Mr. President, I am going to speak on Iraq, but first—I see the distinguished Senator from Mississippi and the distinguished Senator from Pennsylvania on the floor—I will introduce, on behalf of myself, Senator SPECTER, Senator LOTT, and Senator REID, regarding the insurance industry.

(The remarks of Mr. LEAHY, Mr. LOTT and Mr. SPECTER pertaining to the introduction of S. 618 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

IRAQ

Mr. LEAHY. Mr. President, earlier today there was a lot of discussion here about whether and how we should have a debate on the Iraq war. I cannot think of any issue more important to the Senate.

I have said many times that the 100 men and women who serve here are privileged to do so. Someday, someone from our State will replace us. That is the genius of the Founders of this country. However, there are only 100 Members. There are 300 million Americans. The 300 million Americans expect the 100 Senators to speak for them. They do not have that opportunity themselves.

I consider it a great privilege to be here. I used to sit up in the gallery when I was a law student and watch the Senate, and I thought then as I do today that the Senate should be and often is the conscience of the Nation.

I heard the debates during the time of the Vietnam war. I became the only Vermonter to actually vote on whether to continue that war. Today, we have a different war but many people in this country are as concerned. Those for the war in Iraq, those against the war in Iraq.

I go to my State of Vermont and everywhere I go, whether I am in buying groceries and people come talk to me or I am at the gas station or if I am shoveling snow—and yesterday we had 2½ feet of snow at my home in Vermont—people stop and want to talk about the war in Iraq. My guess is it is no different in any other State.

These are very patriotic, very honest, very concerned people, and they have legitimate questions. They always ask: Why isn’t the Senate debating the war in Iraq?

A week ago, Senator REID, the distinguished majority leader, tried every which way to provide the Senate with an opportunity to debate a bipartisan resolution on Iraq. That effort failed, and it failed again earlier today. It was blocked by some in the Republican Party who insisted on a separate vote that was nothing more than a political ploy. Instead of a debate on the President’s policy, they wanted the debate to be about who supports the troops.

We all support the troops, but we have some very different views about the President’s policy that put brave American men and women in harm’s way.

As so often is the case when anyone asked a question, expressed reservations or outright opposed the President’s policy in Iraq, the President’s defenders accuse his detractors of not being patriotic or of not supporting the troops. What blatant balderdash that is.

For years I have fought for veterans’ benefits, for fair treatment for the National Guard, for armor for our troops who were sent by this administration into battle unprepared—and still, 5 years later, the armor their vehicles need to withstand roadside bomb blasts. I have fought to replace the depleted stocks of equipment that our troops need and depend upon so their families do not have to send to them what the Government should be providing. The absurd accusation that it is unpatriotic to disagree with a policy that has resulted in the deaths of thousands of American soldiers and created a terrorists’ haven in a country that, before our invasion, posed no threat to the United States, has worn thin.

It reminds me of my days as a prosecutor, when a defendant was caught red-handed. What would they do? They would usually attack the accuser. They could not say “You caught me breaking and entering.” Rather, their defense was “I was set up.” Or “He made me do it.” That is what has been going on since President Bush, Vice President Cheney, and the Secretary of Defense Rumsfeld ignored all advice to the contrary and led us into this costly fiasco.

These are the people who, when they had a chance to get Osama bin Laden—and we all want to see Osama bin Laden brought to justice for the attacks on September 11—when they had him cornered in Afghanistan, they decided instead to invade Iraq. Iraq did not pose a threat. Iraq did not have weapons of mass destruction. The intelligence was as equivocal as it was distorted and manipulated. But the President was fixated on Iraq, and he has remained so ever since.

Remember how the Vice President confidently said we would be welcomed as liberators? Some welcome. Remember the President, dressed up in a flight suit on an aircraft carrier so he could make a rousing speech under the sign “Mission Accomplished.” Thousands of Americans have been killed or injured in Iraq in the years since that phony photo op.

The flawed policies of this administration have thrust our troops into the maw of a bloody civil war. Our troops are responsible for the policies they have been asked to implement. Policymakers in Washington are responsible for that and only we can change those policies.

My youngest son was a member of the Marine Corps. He was called up during the first Gulf War. He saluted and was ready to do his duty, as are all the loyal men and women in our armed services. That was a different war. Thank God it was over so quickly. Neither he nor many others called up were in harm’s way.

But the policymakers made this policy and only they can change it, not the troops on the ground. The polls show, unmistakably, that a majority of the American people in Congress to debate and vote on the Iraq war. They know it is the key issue of the day. They see it is a widening civil war. They want their sons and daughters to come home pursuant to as sensible a plan as any we can devise.

It is that simple. We ought to be debating that. If there are Senators who feel the troops should be there longer, that more of them should be sent there, then come to the Senate and say so. But also, there are those who feel we have to do all we can to bring our men and women home. We should have the opportunity to debate and vote on it.

The costs of this misadventure have not been onerous, they have been catastrophic. More than 3,000 Americans killed, more than 20,000 wounded. My wife and I have visited some of the wounded. These are devastating wounds, crippling wounds, blinding wounds, wounds that disable people for the rest of their lives. And tens of thousands of innocent Iraqis have lost their lives.

In material terms, we are fast approaching the $1 trillion mark. We are throwing money over our door at a rate of more than $2 billion per week to fund this war. We are told about the things we cannot afford in America because we have to fund the war in Iraq. We are cutting funds for law enforcement, for police on our streets so we can pay for police in Iraq. We can’t upgrade our hospitals. And on and on.

And the international reputation of America, which has brought us great influence, has now been tarnished, especially among our allies, tarnished and diminished.

Where are we in Iraq? We are in the midst of a civil war among religious and ethnic factions, an insurgency that
show[s] no signs of diminishing and out-of-control organized crime. It is hard to say we have made any real progress toward the larger objective of bringing democracy to Iraq and the Middle East. It is time we face this grim reality. Our soldiers and the enemy are in the balance. America's reputation is in the balance. America's ability to set an example for the rest of the world is in the balance. I made a brief statement on Tuesday about a column in last Sunday's Washington Post. I quoted LTG William Odom. I know General Odom. I worked with him on some of the most significant intelligence matters in this country. He has one of the most distinguished military intelligence careers. He continues to provide powerful insights on national security. In his piece entitled “Victory Is Not An Option,” he outlines how this administration's entire policy in Iraq, including the so-called surge strategy, is based on a self-defeating inability to face reality. The Senator from the general's view, is that we are not going to make Iraq a democracy. The longer we stay, the more likely Iraq will be anti-American at the end of our intervention. Think of that, after $1 trillion.

Our invasion made civil war and increased Iranian influence inevitable. No amount of military force will prevent those outcomes. Meanwhile, our presence is only stoking al-Qaida's involvement in Iraq.

The reality is that supporting our troops does not mean keeping them there to carry out a failed strategy. It means pursuing a course that protects the country's interests and prevents more Americans from dying in pursuit of an ill-defined, open-ended strategy that cannot succeed.

General Odom knows we need to begin an orderly withdrawal from Iraq. He argues we should join with other countries in the region, those whose input administration has often ignored, and seek to stabilize the region through sustained, high-level diplomacy. These views are in line with those of some of our senior military officers, national security experts and many in Congress, and I might say a majority of the American people. The people we are here to represent.

Look at what the administration and defenders of the Republican Party offer instead: We get filibusters when it is time to fund our troops. The President’s appointment authority is reined in, we get the same old rhetoric about supporting the troops, and we get a bill from the President for another $100 billion to send 20,000 more troops and continue the war. If the President cannot face the reality that even some Members of his own party increasingly have come to accept, then it is our responsibility—I would also say our patriotic duty and our moral duty—to act.

A nonbinding resolution that sends a clear message in opposition to an escalation of troops is far better than the years of silence of a rubberstamp Congress. But we know the President will ignore it. He has already said so. We know it is only a first step.

I will support binding legislation by Senators Obama and Feingold to begin a phased redeployment of our troops out of Iraq. It is not our role to choose sides in this civil war, and it is a prescription for disaster. It is not our troops’ role to die trying to force these warring factions to settle their age-old differences.

We need to continue to fight the Taliban and al-Qaida in Afghanistan. We need to deploy sufficient forces and intelligence assets to track down international terrorists around the world. We need to do a lot better job of policing our borders, without denying entry to innocent people who are fleeing persecution.

General Odom is right, keeping our troops in Iraq is not making us safer. We should be bringing our troops home. We should be bringing them home with the thanks of a nation for doing their duty. Congress has the power to force the President to change course. That is what the American people want. That is what we should be debating.

Mr. LEAHY. Mr. President, I am about to propose a unanimous consent request. I saw the distinguished Senator from Arizona on the floor a moment ago, and I told him I would notify him because I know he is going to object. I also see the distinguished Senator from Idaho, who will. But, Mr. President, what I am going to do is the following: I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 24, S. 214, a bill to preserve the independent authority. I say the committee-reported amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New York

Mr. SCHUMER. And I will not object, but I wish to say a word before we proceed further. I just want to urge my colleagues to accept this unanimous consent request by Senator Leahy to move forward, which will be announced.

I ask unanimous consent that after objection is heard, if it is heard, Senator Leahy be permitted to yield 5 minutes to me, when he immediately regain the floor.

The PRESIDING OFFICER. There is one unanimous consent request pending at this time, and that needs to be resolved before we move forward.

Mr. LEAHY. Mr. President, parliamentary inquiry: How much time is remaining of the hour the Senator from Vermont has?
announced two indictments stemming from her office’s investigation of now-convicted former Congressman Randall “Duke” Cunningham. A Federal grand jury handed up indictments of San Diego defense contractor Brent R. Wilkes forbery and of Wilkes and the former No. 3 official of the CIA, Kyle “Dusty” Foggo, for conspiring to defraud the United States. Apparently, Ms. Lam’s reward for her efforts at rooting out serious public corruption is a pink slip.

We need to understand the Attorney General has or is planning to appoint interim replacements for the U.S. attorneys he is removing, raising a potential of avoiding the Senate confirmation process altogether. This is an end-run around our system of checks and balances.

Many Senators have raised concerns about this practice, and several have asked the Attorney General about the reasons for the interim appointments. The Justice Department in Arkansas highlights the troubling nature of this new authority and its abuse. The Attorney General removed respected U.S. attorney Bud Cummins and replaced him with the interim appointment of Tim Griffin, a former political operative for Karl Rove. This appointment was not made pursuant to an agreement with the two home State Senators.

In our hearing last week, Paul McNulty, the second in command at the Department of Justice, testified that Mr. Cummins’ dismissal was not related to how well he did his job. In fact, Mr. McNulty said he had no “performance problems,” but was removed merely to give an opportunity to Mr. Griffin, a person whom he admitted was not the “best person possible” for the job and who is reported to have been involved in an effort during the 2004 election to challenge voting by primarily African-American voters serving in the Armed Forces overseas. This was not a vacancy created by necessity or emergency. This was a vacancy created by choice to advance a political crony.

Since this administration has been creating these vacancies by removing U.S. attorneys as it chooses for whatever reason—or no good reason—on a timeline it dictates, how can it now claim not to have had time to fill spots with Senate-confirmed nominees? Why were replacements not lined up before creating these vacancies? Why were home State Senators not consulted in advance? I would note that every one of the U.S. attorneys not consulted in advance? I would note that every one of the U.S. attorneys as it chooses for what-

The Department possesses the district court’s role in the law that existed prior to the changes enacted in a Patriot Act reauthorization conference. This was a conference in which Demo-

The Department claims the district court’s role in filling vacancies beyond 120 days to be inconsistent with sound separation of powers principles. That is contrary to the Constitution, our history and our practices. In fact, the practice of judicial officers appointing officers of the court is well established in our history and from the earliest days. Morrison v. Olson should have laid to rest the so-called separation of powers concern. It has been competed to justify these political maneuvers within the Justice Department. It is not just a red herring but a bright red herring. Certainly no Republicans now defending this administration voiced concern about a panel of judges appointed Ken Starr to spend millions in taxpayer dollars going after President Clinton as a court-appointed prosecutor.

I have heard not a word from the apologists who seek to use the Constitution as a shield for these activities about what the Constitution says. The Constitution provides congressional power to direct the appointment power. In article II, the part of the Constitution that this administration reads as if it says that all power resides with the President, the President’s appointment power is limited by the power of Congress. Indeed, between its provisions calling for appointments with the advice and consent of the Senate and for Congress to provide the President power to make recess appointments, the Constitution provides:

But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the Heads of Departments. Thus, the Constitution contemplates exactly what our statutes and practices have always provided. Congress is well within its authority when it vests in the courts a share of the appointment power for those who appear before them.

Regrettably, this latest abuse of power follows this administration’s political appointments of U.S. attorneys offices. A recent study of Federal investigations of elected officials and candidates shows that the Bush Justice Department has pursued Democrats far more than Republicans. The study by Dr. Donald C. Shields, professor emeritus of the Department of Communication, University of Missouri-St. Louis, and Dr. John F. Cragan, professor emeritus from the Department of Communication, Illinois State University, found that between 2001 and 2006, 79 percent of the elected officials and candidates who have faced a Federal investigation were Democrats and only 18 percent Republicans. The administration’s track record is not good and it is important that the Senate be consulted with its hand in the cookie jar.

Before 1986, 28 U.S.C. 546, the law governing the appointment of U.S. attorneys, authorized the district court when a vacancy existed to appoint a person to serve until the President appointed a person to fill that vacancy with the advice and consent of the Senate. When Congress changed the law in 1986 to allow the Attorney General to temporarily fill a U.S. attorney, it carefully circumscribed that authority by limiting it to 120 days, after which the district court would make any further interim appointment needed. I was pleased that Senator Feinstein worked so well with Senator Specter to craft a worthwhile consensus measure to reinstate these vital limits on the Attorney General’s authority and bring back incentives for the administration to fill vacancies with Senate-confirmable nominees.

This measure has bipartisan support on the committee. We reported it out 13-6 after debating and voting down several amendments. U.S. attorneys around the country are the chief Federal law enforcement officers in their States, and they have an enormous responsibility for implementing antiterrorism efforts, bringing important and often difficult cases, and taking the lead to fight public corruption. It is vital that these positions be free from any inappropriate influence and subject to the check and balance of the confirmation process. The Specter, Feinstein, Leahy substitute to S. 214 is a measure that passed our committee with bipartisan support and I urge the Senate to take it up and pass it today so that we can curb the abuses we have seen.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that 7 minutes of my time be yielded to the Senator from New York—does the Senator want more than that?

Mr. SCHUMER. I will take 5.

Mr. LEAHY. That 5 minutes of my time be yielded to the Senator from New York and the remainder of my time be yielded to the Senator from California.

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

The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank our leader on the Judiciary Committee, the Senator from Vermont, for his leadership on this issue, as well as for yielding time. It is unfortunate that the unanimous consent request of the Senator from Vermont was objected to.

Now, I would like to report to my colleagues on both the hearing we had,
which is public record, and, more to the point, the private meeting we had yesterday with the Deputy Attorney General, Mr. McNulty, who was gracious and who is a very fine person. But neither the hearing nor the private meeting we had allayed our fears. In fact, they increased them in a variety of ways.

As we know, at least seven U.S. attorneys were summarily fired in recent weeks. The Attorney General has flatly denied the political motive, but the bottom line is, even at the hearing it was admitted that one U.S. attorney was fired without cause and replaced by somebody who had worked for Karl Rove and the Republican National Committee and did not have much of a record being a prosecutor. Even more troubling was the firing of the U.S. attorney from San Diego, of the Southern District of California, who was in the midst of a very high-level investigation that led to the conviction of Congressman Cunningham. This is not done—particularly, remember, this was an interim U.S. attorney who was fired without cause and replaced by somebody who had worked for Karl Rove and the Republican National Committee and did not have much of a record being a prosecutor.

The bottom line at yesterday's briefing by the Deputy Attorney General did little to allay our concerns that politics was involved in several of these firings and, in fact, raised those concerns.

It seems, when you have a preliminary look—we did not get a look—but a preliminary look at some of the EER reports, the evaluations, that most of the U.S. attorneys, not all but most of the U.S. attorneys who were fired had very fine recommendations.

There were a few policy disputes, but particularly in the area of the U.S. attorney from the Southern District of California, in the midst of an ongoing investigation, there was some policy disagreement about how to deal with those crossing the border. She was told to change her policy, and this was done. The U.S. attorney was fired without cause and replaced by somebody who had worked for Karl Rove and the Republican National Committee and did not have much of a record being a prosecutor. The U.S. attorney was fired without cause and replaced by somebody who had worked for Karl Rove and the Republican National Committee and did not have much of a record being a prosecutor.

We asked to see the EER reports at the hearing. At the private meeting yesterday, Paul McNulty, Deputy U.S. Attorney General, said some of the information was taken under cover. These are evaluations, and they ask the lawyers, judges, fellow U.S. attorneys how the office is doing and how the U.S. attorney is doing. And if they were to reveal their names, it might jeopardize the confidentiality of future EER reports. That is a reasonable assertion. So we asked, could we get the reports and redact the names of those who were saying this is a good or bad U.S. attorney? Mr. McNulty said he would get back to us on the issue. We await.

But make no mistake about it: We will get those EER reports. Either they will be given to us with the necessary redaction—and I have spoken to my colleague from California, Senator Feinstein—or we will ask Senator Leahy, our leader on this issue, through the Judiciary Committee to subpoena them. We will see them. If they show that the U.S. attorneys were doing a good job, if they show that they were people who should be there, there will be real trouble.

It means two things. First, we will get to the bottom of this. There are still too many troubling questions out there. And, in the hearing, we will. Second, it means whatever the investigation finds, there is enough troubling evidence out there now that the legislation Senator Feinstein has authored, and Senator Leahy and myself have passed and will push through immediately. Therefore, it is regrettable there was objection that we don’t move to rectify the situation and do it right now.

I yield the floor to the acting OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from New York for holding the hearing in his subcommittee, for his leadership, for understanding what is at stake, and for being willing to be out in front on doing something about it.

What I want to do for the American public is lay out the history of this particular issue and place it in context.

Unbeknownst to any of us, in March 2006, in the PATRIOT Act reauthorization, a provision was included that allows the Attorney General to appoint an interim U.S. attorney for an indefinite period of time. You might ask, what is wrong with that? What is wrong is that it avoids Senate confirmation. Prior to this change, the law stated that the Attorney General could appoint interim U.S. attorneys but only for 120 days. After that time, the authority for the Attorney General to appoint an interim U.S. attorney would fall to the district court. Why? Because that provided an incentive to the administration to present a U.S. attorney nominee to the Senate for hearing, for questions, for review, and for a vote on confirmation. This structure created in 2006 was relatively new. It was enacted during the Reagan administration in a broader bill by Strom Thurmond that was described as a technical corrections bill on criminal procedure. Before that, from 1989 until the Thurmond bill was enacted, district courts held the sole authority to appoint interim U.S. attorneys. That existed for almost 100 years. It was critical then, as it is now, that all U.S. attorneys receive Senate confirmation. By having the district courts make that interim appointment, it assured that the confirmation would take place.

One expected the rash of firings from the Department of Justice. I first learned about the Department’s actions early in January. At that time I learned that main Justice in Washington had placed calls to at least seven, possibly more attorneys and asked them to resign by a date specific in January. I was also told that the intention was to bring in outside lawyers from main Justice or from elsewhere to take over these posts and to serve without confirmation for the remainder of the Bush presidency.

The Department of Justice has now acknowledged in public and at a hearing that such calls were made to “less than 10” U.S. attorneys asking them to step aside. We also know that prior to those firings, there were U.S. attorney vacancies pending, with only two nominations presented by the administration to the Judiciary Committee. This means that if you add the 7 to 10 U.S. attorneys who were asked to resign to the current 11 vacancies without nominees, there could be between 18 and 21 U.S. attorney positions throughout the country that the Attorney General could fill without securing Senate confirmation. That is over 20 percent of all U.S. attorneys who normally would have filled those positions. This provision slipped into the PATRIOT Act would also allow the next President to put in place all 93 U.S. attorneys and let them serve the entire 4-year term without the benefit of confirmation. This change was a mistake. I suspect the amendment to the PATRIOT Act came from the Justice Department itself. That in itself is objectionable. That in itself is objectionable. That in itself is objectionable. That in itself is objectionable. That in itself is objectionable.

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Let me talk about a few of the U.S. attorneys involved. According to press reports, at least three of them were to resign to the current 11 vacancies without nominees, therefore, there could be between 18 and 21 U.S. attorney positions throughout the country that the Attorney General could fill without securing Senate confirmation. That is over 20 percent of all U.S. attorneys who normally would have filled those positions.

A similar story has surfaced about Washington U.S. Attorney John McKay. The Seattle Times reported last week:
Seven months before he was forced to resign as U.S. attorney for the western district of Washington, John McKay received a glowing performance review from Justice Department officials.

The article went on to quote the report which stated:

“McKay is an effective, well-regarded and capable leader of the [U.S. attorney’s office] . . . according to the team of 27 Justice Department officials.”

Yet on December 7th, Michael Battle, director of the Justice Department’s executive office for U.S. attorneys, called McKay and asked if his job performance was a problem when he got the call:

[Mr. Battle] assured me it was exactly to the contrary.

These are three cases that have been documented where U.S. attorneys did not have any performance-related concerns as alleged by the Department. In addition, I have heard similar reports about other U.S. attorneys. I want to speak in specific about one. That is the U.S. Attorney from San Diego, CA. Today is U.S. Attorney Carol Lam’s last day in office. I want to commend her. I thank her for the work she has done in that office. She was sworn in as U.S. attorney in September of 2002 and was appointed by the President in November 2002. Prior to serving as U.S. attorney, she was a judge of the Superior Court of California, and she served as an assistant U.S. attorney in the southern district of California for 11 years. So she was no newcomer. She has been successful in bringing many of the country’s most important corruption cases. I want to go through a few of them.

In March of 2004, Steven Mark Lash, the former chief financial officer of FPA Medical Management, was sentenced for his role in defrauding shareholders of FPA. The collapse of the company left more than 1,600 doctors being owed more than $60 million and patients reported being unable to obtain medical care because FPA had ceased paying providers. Thank you, Carol Lam.

In October 2005, Mark Anthony Kolowich, owner of World Express Rx, pled guilty to conspiracy to selling counterfeit pharmaceuticals, conspiracy to commit mail fraud and smuggle pharmaceuticals, and conspiracy to violate the Controlled Substances Act. Mr. Kolowich had run an Internet pharmacy Web site where customers could order prescription drugs without a valid prescription. The judge called him the kingpin and architect of an eliciting pharmaceutical ring that recruited many others to smuggle drugs across the United States-Mexico border at San Ysidro. Ms. Lam also announced that charges had been filed against five other individuals in a case involving MyRxForLess.com. Thank you, Carol Lam.

In July 2005, Ms. Lam brought a case against San Diego councilman Ralph Inzunza, along with Las Vegas lobbyist for the Defense Department, and seven others. The indictment claimed multiple counts of extortion, wire fraud conspiracy, and wire fraud. They were accused of trading money for efforts to repeal a law.

In November 2005, Ms. Lam secured a guilty plea from former Representative Randy “Duke” Cunningham for taking more than $2 million in bribes in a criminal conspiracy case involving at least three defense contractors, after he accepted cash and gifts and then steered business to the Defense Department on behalf of donors. He also pled guilty to a separate tax evasion violation for failing to disclosure income in 2004. Thank you, Carol Lam.

In addition, earlier this week, Carol Lam announced two more indictments of Kyl “Dusty” Poggo, former top officer at the CIA, and Brent Wilkes, a defense contractor accused of bribing Duke Cunningham and the prime benefactor of the secret CIA contracts. Thank you, Carol Lam.

This woman was called and told to resign by a date specific, after she has done all of this good work. Ms. Lam and the San Diego U.S. Attorney’s office have also pursued and successfully prosecuted other important cases, including:

In September 2005, the president of the San Diego chapter of Hell’s Angels pled guilty to conspiracy to commit racketeering. Guy Russell Castiglione admitted that he conspired to kill members of a rival gang, the Mongols, and to sell methamphetamine. Thank you, Carol Lam.

Then in December 2005, Daymond Buchanan, member of Hell’s Angels, was sentenced to 92 months in Federal prison for participating in a pattern of racketeering. He admitted in his guilty plea that he and other Hell’s Angels also inflicted serious bodily injury upon one victim and that another Hell’s Angel brandished a firearm during the offense.

At that time, Ms. Lam announced:

With the president, sergeant at arms, secretary, treasurer, and six other members of the Hell’s Angels convicted of racketeering charges and facing long prison sentences, the San Diego chapter of the Hell’s Angels has been effectively shut down for the foreseeable future.

Thank you, Carol Lam. And what does she get? Fired without cause.

In September, 2007, also, Jorge Ernesto Beltran-Quinonez, a Mexican national, pleaded guilty to making false statements about weapons of mass destruction. Mr. Quinonez was sentenced to 3 years in Federal prison for making up a story about Chinese terrorists sneaking into the United States with a nuclear warhead. That hoax prompted a massive investigation, Federal warnings, discussions at one of President Bush’s security briefings, and a nationwide hunt for the group of Chinese supposedly plotting the attack.

Thank you, Carol Lam.

In December 2006, Mel Kay, of Golden State Fence Company, and Michael McLaughlin, pleaded guilty to felony charges of helping the Chinese and agreed to pay $200,000 and $100,000, respectively. The company, which built more than a mile of the 15-foot-high fence near the Otay Mesa border crossing in San Diego, agreed separately to pay $5 million on a misdemeanor count, one of the largest fines ever imposed on a company for an immigration violation.

Thank you, Carol Lam.

These are just some of the important cases Carol Lam has pursued during her tenure. She does not deserve this kind of treatment.

In addition, during her previous time in the office, Ms. Lam prosecuted and convicted several high-ranking members of La Costra Nostra, a Chicago-based organized crime family. She also secured a guilty plea and settlement of $110 million against National Health Laboratories, Inc., in a Medicare fraud case.

Ms. Lam has had a distinguished career and she served the Southern District of San Diego well, and everyone in that district knows that. I regret that main Justice does not. I am quite disappointed that main Justice chose to remove her, especially given the ongoing work in which the office is involved.

Now, like Senator Schumer, I was present yesterday when the Justice Department briefed us and several other Senators as to why they asked these U.S. attorneys to leave. With the record I just pointed out, nothing was said yesterday justifies asking this U.S. attorney to leave without cause—nothing. That is why this is an issue. I believe their intent was to bring in people from the outside to give some of their bright young people an opportunity. This might not be wrong, if they weren’t also attempting to avoid confirmation. Without confirmation, the Department of Justice could bring in political operatives or anybody else. That is wrong.

If I had not been given this information, we never would have known about these events because the likelihood is that these U.S. attorneys would have just quietly resigned and retired to another job or retired into society somewhere else. This is not the way we should function. That is why this is a major issue. That is why the Majority Leader of the Senate wishes to bring this to the floor so that we can debate where it was prior to that provision being put into the Patriot Act without our knowledge and without debate.
I hope the U.S. attorney bill will come to the floor of the Senate, and I hope we can change it back. I hope we can go out and say to the American people that this will never happen again and every U.S. attorney will have confirmation before the Senate of the United States.

Mrs. LINCOLN. Mr. President, I rise today to state my support for the legislation put forward by Senator FEINSTEIN on the interim appointment of U.S. attorneys. This legislation represents a compromise between Senator SPECTER and Senator FEINSTEIN and I commend them for the bipartisan example they have set in addressing this issue.

Senator PYOR and I came to this debate because of the interim appointment of a U.S. attorney in Arkansas, but the importance of this issue goes beyond the qualifications of Tim Griffin for that position. The Founding Fathers created this Government around a system of checks and balances, with three coequal branches. As we all know, one of those branches is filled with officials who are not elected, such as Mr. Griffin. The Founding Fathers knew that if the executive branch was allowed to fill all of the members of the judiciary without any consultation with the legislative branch, it would make the judiciary branch simply an extension of the executive branch.

What we are talking about today is another in a long line of attempts by this administration to undermine the system of checks and balances by expanding the authority of the executive branch. These abuses of power have almost always related to provisions that are necessary for the smooth operation of government. Of course we need the ability to appoint a U.S. attorney in a time of crisis when Congress is not in session, but do we need that authority extended to a point where a sitting President can appoint a judicial appointment with no set termination? Absolutely not. The law the administration changed in the PATRIOT Act was well structured to provide the ability to appoint in times of emergency, while respecting the Senate’s role in the process. The compromise put forward by Senators FEINSTEIN and SPECTER seeks to restore that.

The Senate’s role in the confirmation process is vital as it provides a second review of the qualifications of a nominee and allows constituents a better opportunity to evaluate a nominee and state their support or opposition. I fear that this effort to diminish the Senate’s role in the confirmation process is indicative of this administration’s general attitude toward a vital provision of our Constitution and to the system of checks and balances in general. If given the choice, it would appear that this administration clearly favors less transparency in government, not more. Furthermore, I cannot say with certainty that it would result in the average constituent having much greater difficulty getting their voice heard on the appointment of nonelected officials. The power of our democracy rests with the people, and that is something we must never forget. It is for that reason that I support Senator FEINSTEIN and Senator SPECTER and urge my colleagues to join them in order to pass this legislation.

Mr. REID. Mr. President, I regret that we have not been allowed to move forward at this time on S. 214, a bill to preserve the independence of U.S. attorneys. This legislation is ready for floor action. It was the subject of a lengthy hearing in the Judiciary Committee and was favorably reported by that committee with bipartisan support.

The bill would protect U.S. attorneys from being used as political pawns. It would limit the power of the Justice Department to appoint long-term replacements for departing U.S. Attorneys. In many cases, the chief Federal judge in a district to appoint a temporary replacement while the permanent nominee undergoes Senate confirmation. This is the process that was followed for decades until it was changed in the Patriot Act reauthorization.

Last month, we learned that at least seven U.S. attorneys had been directed by the Department of Justice to resign. One of these was the U.S. attorney in my State of Nevada, Daniel Bogden.

Let me take just a moment to thank Dan Bogden for his service. He has been the chief Federal prosecutor in Nevada since his appointment in 2001. He is a former state’s attorney, district attorney and had served as an assistant U.S. attorney for 10 years before being appointed as chief Federal prosecutor. He made it a priority to prosecute violent criminals and drug traffickers and his efforts have made Nevada safer.

I appreciate all the remarkable work he has done for our State.

The Deputy Attorney General testified that the U.S. attorneys who were forced out are “performing the most important job.” As far as I am concerned, that is nonsense. Dan Bogden’s last job evaluation described him as being a “capable” leader who was highly regarded by the Federal judges and investigators in our State.

What is really going on here? According to news reports, the decision to re-move U.S. attorneys was part of a plan to “build up the back bench of Republicans by giving them high-profile positions at the Department of Justice.” Is this really the reason U.S. attorneys was replaced by a GOP opposition researcher who is known as a protégé of Karl Rove.

So what has happened might well be called “crony-gate.” It may not be as far reaching as Scandal at Watergate, but it is a scandal nonetheless. It represents a breach of the long tradition of independence that allowed these powerful Federal prosecutors to do their jobs without fear of political retaliation. If they win, we will have a strong, independent and knowledgeable community citizen— the kind of person you would want to have as a judge over your kids. He is a principled and knowledgeable community citizen— the kind of person you would want to have on your team or your board. He is a thoughtful, objective jurist who has held positions of leadership and responsibility in a wide variety of organizations. He is respected and well-liked by Republicans and Democrats alike throughout the State of Idaho.

He is a fine man— the kind of person you would want to have as a scout leader for your kids. He is a principled and knowledgeable community citizen— the kind of person you would want to have on your team or your board. He is a thoughtful, objective jurist who has held positions of leadership and responsibility in a wide variety of organizations. He is respected and well-liked by Republicans and Democrats alike throughout the State of Idaho.

There is also no question about Randy Smith’s credentials or competence for this position. He has been a State district judge in Idaho’s Sixth Judicial District for a decade. He has served as a felony drug court judge and a pro tem judge on the Idaho Supreme Court and the Idaho Court of Appeals. He has a wealth of experience in both the practice and teaching of law, and he also has been an active member of the bar association and other professional associations.

There is no question about Randy Smith’s character and fitness for this office. Randy Smith is deeply involved in his community and State, and he has held positions of leadership and responsibility in a wide variety of organizations.

He is a fine man— the kind of person you would want to have as a scout leader for your kids. He is a principled and knowledgeable community citizen— the kind of person you would want to have on your team or your board. He is a thoughtful, objective jurist who has held positions of leadership and responsibility in a wide variety of organizations. He is respected and well-liked by Republicans and Democrats alike throughout the State of Idaho.

He is also a judge on the Ninth Circuit Court of Appeals.
THE CONFIRMATION OF JUDGE RANDY SMITH

Mr. CRAPO. Madam President, I rise today to speak about a tremendous event that happened in the Senate, and that is that the Senate today confirmed my good friend, Randy Smith, to be a Judge on the Ninth Circuit.

Madam President, today really is the conclusion of a sometimes unnecessarily long and difficult process for the confirmation of Judge Smith. Judge Smith was originally nominated by the President back on December 16, 2005, for a seat on the Ninth Circuit Court of Appeals that was vacated when Idaho Judge Stephen Trott took senior status.

Earlier this year, through negotiations with the White House, Judge Smith was renominated to a different Idaho seat on the Ninth Circuit that had been vacated when Judge Thomas Nelson took senior status.

Since 1996, Judge Smith has served as the Sixth Judicial District of Idaho. Judge Smith earned his undergraduate and law degrees from Brigham Young University. Throughout his career, both in private practice and as a judge, Judge Smith has continued to be a student and teacher of the law. He taught courses in business law and tax law at Brigham Young and later at Boise State University. Since 1993 he has served on the faculty at Idaho State University teaching legal environment and business law.

Prior to becoming a judge, Randy Smith spent more than 15 years in private practice, gaining significant experience before both State and Federal courts. He is a member of the bar of the U.S. Supreme Court, the Ninth Circuit Court of Appeals, U.S. District Court for the State of Idaho, U.S. Tax Court, the Idaho Supreme Court, and all of the other courts of the State of Idaho.

In addition to his current position as district judge in Idaho, Judge Smith also serves from time to time as a subpoena officer for the Sixth Circuit Court of Appeals, as a judge on the Idaho Court of Appeals, also, and as a temporary judge in district courts throughout the State of Idaho. He literally handles approximately 100 Federal and State civil cases each year.

In 2004, Judge Smith received the George L. Ewell Award presented by the Idaho State judiciary in recognition of demonstrated professionalism as an Idaho trial judge, and for motivating and inspiring his colleagues on the bench by his character and actions. In 2002, he received the Outstanding Service Award from the Idaho State Board of Commissioners. Judge Smith is also a member of the board of directors and is a past president of the Idaho State Civic Symphony.

The American Bar Association has given him its unanimous “well-qualified” rating for his nomination to the Ninth Circuit.

It is my honor today to personally congratulate Judge Smith. As I said, he is a personal friend. I have known him for years and have watched him give service to the people of the State of Idaho of the highest caliber. He has shown himself to have the principles and values to be the kind of judge that America needs. He understands that we need a conservative understanding and interpretation of the U.S. Constitution, and that the role of a judge is interpretation of the law, not creation of the law. He understands that the value that comes from having solid adherence to the principles of our Constitution as issues are adjudicated. He will be a tremendous new asset and addition to the Ninth Circuit Court of Appeals.

As I said at the outset, this has been a long, sometimes very unnecessarily burdensome and difficult process to get his nomination to the floor. I am sure that the strength he will bring to the Ninth Circuit was shown by the vote of confidence given to him today, a unanimous vote by the Senators present, 94 to 0, confirming him to be the next judge on the Ninth Circuit Court of Appeals.

This is a tremendous day for Randy Smith and a tremendous day for the Ninth Circuit Court of Appeals, the people who live in that circuit, and, frankly, for the people of America. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

HONORING THREE MONTANA HEROES

Mr. BAUCUS. Madam President, Saint Luke explains in his Gospel:

The spirit of the Lord is upon me, because He hath sent me to heal.

Delivering care to the sick and injured is the Lord’s work. To heal the sick at great risk to one’s own safety reflects the best that we can be as the Lord’s servants.

I am here to honor three healers from my home State of Montana—ambulance medic and firefighter Paul Erikson, and registered nurse Darcy Doyle. These Montana heroes died tragically during an air rescue mission on February 6.

Their deaths are a tremendous loss to their families, to Benefits Healthcare, and to all of Montana. These dedicated individuals were en route to Bozeman from Great Falls in dangerous weather to pick up a patient who had suffered a severe head injury that required immediate surgery.

Every minute counted. The victim’s injury had to be treated as quickly as possible. The longer it took to get him to the hospital, the worse his chances were for survival. The only way to get the patient the care he needed was by air transport. So the dependable air ambulance team at Benefits Healthcare was called, Vince, Paul, and Darcy responded to the call without hesitation and without concern for their own safety.

They knew that somebody’s life was hanging in the balance. This is the type of pressure-filled situation in which they have always operated.

Montana is a large State, it is a beautiful State, with rural and isolated areas, where people who are injured may need immediate rescue, may need it right away, including air ambulance transportation to a trauma center.

Unfortunately, there are not enough hospitals in Montana that can give the kind of care someone with severe injuries immediately needs.

So-called level 1 hospitals have operating rooms, surgeons, and radiologists available 24 hours a day, 7 days a week, waiting and ready for any patient with severe injuries who is brought in. There are no level 1 hospitals in Montana.

Level 2 hospitals have the right facilities, but the doctors are not in the hospital around the clock to be available immediately when a patient arrives. There are only three level 2 trauma centers in Montana.

It is very expensive to run hospitals and offer this high-level, specialized care. Only three hospitals in Montana—one in Missoula, one in Billings, and one in Great Falls—offer such services. So every patient who needs a trauma center has to go to one of these hospitals. This makes air ambulance transportation even more important, given Montana’s 800-mile span and mountainous terrain.

The Benefits medevac program provides 24-hours-a-day, 7-days-a-week air ambulance transportation in Montana and the Northwest. Aircraft respond to isolated areas, accident scenes, and hospitals to bring patients to the regional emergency center as quickly as possible.

These dedicated pilots, nurses, and paramedics who operate the Benefits medevac program provide honorable and essential services to Montana. The three Benefits professionals who lost their lives last week were trying to do just that.

Darcy Dengel was a 27-year-old registered nurse. She joined Benefits in June 2003 and transferred to the emergency room in August 2003, where she also worked as a flight nurse.

Her Benefits colleagues describe her as a bright, talented, and vibrant woman who loved her work because it gave her the unique opportunity to help people in need.

She was able to make a difficult time for a patient a little easier with her gentle care. She was to be married this spring to Rob Beal and is survived by her parents Rich and Donna Dengel of Lewistown, MT.

A long-time friend of Darcy Dengel’s family described Darcy this way:
She was a light... She didn’t worry about
danger in her work as a flight nurse. She
wanted to help people.

Paul Erickson was 33 years old and
was the medic on the flight. Paul was
a firefighter who worked on the Mercy
Flight crew. He worked side
by side with his wife Diana, who is
the trauma coordinator for Benefits.
They had a baby boy last July named
Spencer Pilot.

Assistant fire chief Steve Hester said
this of his colleague:

Paul considered it a service to the
community. He was all about service to others.
He knew that in rural Montana the only way
you can get help sometimes is by air.

Vince Kirol was 58 years old and had
been flying for 40 years. He was a
Mercy Flight fixed-wing pilot for 13
years after working for Metro Aviation in
Shreveport, LA. He is survived by
his wife Diana and two sons. Vince’s
pastor noted that he loved the mountains
and he loved skiing and hiking
with his sons.

Billy Darnell, a friend of Vince’s
from his church, said this about him:

He cared about people. That’s why he loved
his job.

Darcy, Paul, and Vince selflessly put
their lives at risk, transporting critically
ill patients even in perilous weather conditions. They gave their
own lives trying to save others. Their
deaths are a tremendous loss to Mon-
tana. They were good servants, and
deaths are a tremendous loss to Mon-
tana.

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

The PRESIDING OFFICER. The
clerk will call the roll.

The legislative clerk proceeded
to call the roll.

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

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

The senior Senator from New Jersey
is recognized.

IRAQ

Mr. LAUTENBERG. Thank you, Mr.
President.

I wanted to take just a few minutes
to kind of review where we are here in
the Senate that abounds in this Sena-
tate. The question about what is going
on is kind of mystifying for much of
the public looking in and saying: What
are they doing wasting time?

There was some talk about the ter-
rible situation we are in in Iraq, and I
spoke as one of those who say we have
had enough. We have had enough there.
We have lost over 3,000 people, and the
Iraqis have lost substantial numbers.
One would have to be really hard-
hearted not to be moved when you look in
that grave, if you want, of someone
weeping over a dead mother or a brother or
a sister or people lying in the street
dead from brutal attacks from this in-
ternal civil war while we are trying to
figure out what we do to protect our
people.

What is it that we want to accom-
plish with the votes that have been
taken here? I think it is fair to say
Others here have worn the same country’s
uniform, some in Vietnam, some in
Korea. We have had a lot of experience
with wars. But in each case, if we
didn’t have an objective, we fared very
badly. That was true, unfortunately, in
Vietnam, where we finally had to wrap
it up and go home, leaving 58,000 of our
brothers and sisters still there, if not
physically, in sharp memory. And now we
see what is happening here.

I bring to our attention the fact that
in Iraq, in the month of January, we
lost 83 of our bravest. Thus far in Feb-
uary, we have already lost 48 members
of the American military. And the
Iraqis have suffered deaths. Look at
the number of people who have been
murdered there with suicide bombs,
roadside bombs, and brutal murders,
with hands tied behind their backs and
blindfolded. It goes on and on. If we
could wish it away, if we could see an
end to it, I would be more than willing
to leave troops there to kind of mon-
itor the chaos that is one of the worst
America has been in, but what we see is not only the numbers
that are perishing daily, weekly, but
the tactics they are using now with
shooting down helicopters. That wasn’t
something we saw before.

Suddenly now, in the past couple of
weeks, three helicopters have been
taken down by enemy fire. That was
different. And it was kind of mystifying
because helicopters were an integral part
of our capacity to fight back. If we
can’t do that, does that mean we have
to put more people on the ground, that
we have to lose more people? It ought
to make us uneasy.

Last week, we took a vote here, and
it was a vote that would limit debate.
We, the Democrats, led the charge
there because we wanted to get on with
the issue of whether we wanted to send
to Iraq. The vote was disguised as something else,
which is what our friends are doing today. Disguising what we do is:
Their intent is to escape the responsi-
bility they took when they voted
against closing the debate the other
day. That is what happened.

They have a lot of discomfort over that,
I see my colleague from the
State of Minnesota is here now, and if
I am not mistaken, he was one of those
who said: Let’s cut the debate and get
on with the issue. That is what his
testament was that day. And so there
is the interest in that different way. They
are not interested so much in our tacti-

cal maneuvering here or the process;
they want to know: Do we want to send
more troops into that inferno or do we
want to try to figure out a way to get
out of there as quickly as practicable?

That is the question.

So they voted the wrong way. And
now, Heaven forbid, we had something
come up on this vote, and that was voted
on by way of closing the debate, which
was developed by Senator CARL LEVIN
of Michigan, chairman now of the
Armed Services Committee, and sup-
ported fully by Senator JOHN WARNER,
who himself was a veteran and served
at the time of World War II, who
agreed with him that we ought to show
our displeasure. There wasn’t anything
radical in it. We weren’t calling the
other side names. We just said we want
the vote to be taken, to approve or disapprove of send-
ing more troops into that death trap,
which is the question.

They have given us a vote on that,
and that was voted through.

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They have given us a vote on that,
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against it. Do you want to throw more into the Iraqi war? Do you want to put more sons and daughters there or do you want them to start coming home and reuniting them with their families? That is the question. Instead, it is dressed up here. If we voted to adjourn, it would not stop the war. It would not support the troops. Baloney. We support the troops fully. Each and every one of them over there now is a hero to us, each and every one, because many of them disagree with the policy that got them there, the falsification of whether there were weapons of mass destruction.

The PRESIDING OFFICER. The Senator's 10 minutes in morning business has expired.

Mr. LAUTENBERG. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. Reserving the right to object.

Mr. LAUTENBERG. I ask further unanimous consent that the additional time of the Senator not be charged against the minority. It was our time. I want to be sure this time is not charged against the minority so we can finish morning business.

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

Mr. LAUTENBERG. I thank our colleague from Minnesota.

What we see is a deliberate attempt to avoid the question: Yes or no, how do you stand on the escalation of this war? How do you stand on sending more sons and daughters into that hell on Earth?

It is time to stand up and be counted and not to permit the public, across this land of ours, to be fooled by debate structures, by delaying tactics. It is time to stand up and be counted, but we cannot do that. The other side will not permit us to do it, and we know how to count votes so we know we do not have enough to do what we would like to do.

But the House has taken the bull by the horns. The House is considering it, and it is very favorably being considered there—not yet voted—legislation that says we are against this escalation. Republicans as well as Democrats there are going to join. What we are saying there is simply vote on that. That is what has been asked for by our leadership.

I hope we will be able to conclude this debate, find out and let the American people know where we stand, each one of us. When we raise our hand, each one of us will be making a declaration: Do we think it is necessary to put more of our troops out there, to run them through there at the risk of their limbs, or lives, and disrupt family life, leaving children without a guiding parent, without a guide, to let the bills accumulate, worry about the mortgages? These are people, for the most part, who were reservists. They have served once, served twice—a year each—and now a third callup is being talked about because the President has decided—against the will of many outstanding military experts, those who have served at the highest rank. They say no, it will not help. But the President will not even listen.

Iraq is the most important issue facing America today. There is no question about it. Some concerns about the surge in Baghdad. I understand we are fighting a war against insurgency and foreign fighters in Anbar Province. If those commanders on the ground need more, I am going to give it to them. I have great concerns about the surge. We need to debate this. It is absolutely mind boggling to watch what is going on with this playing around with rules. The bottom line is Senators should have the right to debate. Senators should have the right to offer amendments and we should be voting on whether you support a surge, we should be voting on whether you support continued funding, we should be voting on whether there should be benchmarks. We should do what the American public does, have discussion, and then vote. What the majority is attempting to do is to foreclose that, offering something that they know is something the Senate does not do, offering something they know is something the public wants us to debate this and vote on it. So instead they offer a resolution which, they know, will gather objection, a resolution on which they will allow no amendments, no discussion about other things other than a proposal that comes out from them. That is absurd. That is not the Senate. It is not the greatest deliberative body in the world. We should do better. The American public deserves better, and I hope our leaders can come together and figure out a way to have a debate so opinions can be laid out and they can be discussed and then we can vote—not on one thing that a 51-person majority says, but the way the Senate does it: We put it on the table and vote.

I may disagree with some of my colleagues on this, and I may disagree with some of that, but everyone has a right to lay out their amendments and their proposal, and we should do so on Iraq.
they are getting squeezed at every angle. For the stability of rural communities and the health of the Americans that live there, we need to find solutions.

That is why I am taking this opportunity to introduce a package of bills which seek to give rural areas access to some tools they can use to promote the health of their communities.

The burden of chronic illness is heavier in rural areas. Rural areas report higher rates of chronic diseases, including heart disease and cancer.

Mental health issues are also significant. For example, a national study that 41 percent of rural women were depressed compared to less than 20 percent of urban women and that 40 percent of all visits to rural practitioners are due to stress.

Providing adequate mental health care in rural communities has become a national problem.

In rural areas, where specialized mental health services are scarce, accessing the proper mental health care is difficult. Primary care is often the only option for delivering mental health services and providers are seeing an increase in mental health issues in their clinics. Today I introduced the Working Together for Rural Access to Mental Health and Wellness for Children and Seniors Act.

This legislation would allow Federal grants to be given to States to provide assistance to rural communities to conduct collaborative efforts to improve access to mental health care for youth, seniors, and families. Grants could go toward operation of mobile mental health services vans or tele-mental health.

Rural residents face serious health care issues not only in terms of illness but also in terms of lack of easily accessible services. One in 5 Americans lives in rural areas but only 1 in 10 physicians practice in rural areas. Forty percent of the rural population lives in medically underserved areas.

Critical access hospitals are the foundation on which is built the health of our Nation’s rural communities. I don’t have the time right now—we are kind of pushing the envelope on morning business—but it is important that my colleagues understand.

The critical access hospital program was enacted as part of the Balanced Budget Act of 1997 in order to preserve access to rural care providers in rural communities. Critical Access Hospitals represent a separate provider type with its own conditions of participation as well as a separate reimbursement method for Medicare.

With 80 Critical Access Hospitals in Minnesota, the third largest number of Critical Access Hospitals in the Nation, this program is of crucial importance to the health care infrastructure of my State. Minnesota’s Critical Access Hospitals provide care to 1.6 million patients, 85 percent of whom have no other health care to their communities 24 hours a day, 7 days a week, 365 days a year.
Not only are physicians in short supply in many of rural communities, but other health professionals are as well. That is why I introduced today a bill that focuses specifically on issues related to increasing nursing faculty. I am told by my friends in nursing that the problem is not that people don't want to go into nursing, but that it is difficult to get nurses to leave the clinic to spend time in the classroom.

A piece of the puzzle and building up our health care institutions in rural area is another.

The Critical Access Hospital program has provided financial stability to many struggling rural hospitals that are the cornerstones of their communities. It is essential that Congress protects this program now and into the future. Prior to this program, hospital closures were common and the rural health care system was fragile.

Without the Critical Access Hospital program and support for rural providers, there would be a floodgate of small community care systems closing and potentially converting many small towns into ghost towns.

Debra Boardman, president and CEO of the Riverview Healthcare Association in Crookston has shared her story with me:

The Critical Access Hospital program has afforded many rural hospitals the opportunity to modernize their facilities and help assure they will remain viable and accessible to the residents of rural America. Prior to receiving the Critical Access Hospital designation in 2001, Riverview Healthcare Association had not done a major building project since 1976. With this designation we were able to afford to physically restructure our building and update our infrastructure to accommodate the way health care is provided in the 21st Century.

Since that time we have also been able to add new physicians, vital new health care services and programs. As the largest employer in the county, a secondary benefit of the program is that it has made Riverview Healthcare Association a more secure economic engine for our local rural community.

Because of the important role that Critical Access Hospitals play in community stability, I have introduced a bill to provide direct and guaranteed loans to complete the reconstruction and rehabilitation of the Nation’s Rural Critical Access Hospitals within the 5 years covered by the new farm bill.

In more ways than we can possibly measure, rural communities are the heart of America. They provide us with food, more importantly, the values and leadership that keep our Nation on track. Just as we care for our bodily heart, we need to care for our spiritual heart in rural America or the whole Nation will suffer.

That is why my legislation attempts to raise the needs of our small town neighbors to become a national priority. I encourage all of my colleagues to consider joining me in ensuring that every American has access to the care that they need to lead healthy and productive lives. I invite you to cosponsor one of my seven bills aimed at doing just that.

From birth, through chronic disease management, to end-of-life care Critical Access Hospitals meet the health-care needs of our communities. And our communities trust that we will continue to do so far into the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IRAQ

Mr. BROWNBACK. Mr. President, I rise to speak on the issue that is presently before this body—whether it will be here formally or not, we will see—the issue of Iraq. I think it is critically important we discuss it. I am glad to see we are having private discussions about it, but I think it is time to engage.

I want to say, as one who does not support the troop surge, I think it is important we have a full process. I think it is important we have a full process where amendments are allowed and where people are allowed to bring forward different ideas and thoughts. It is the key issue of our day. It is an important issue of our day. It is something that shouldn't be drug out, but I don't think asking for three, or four even, amendments to this resolution is something that would drag it out because that is what allows full discussion, and we certainly need a full discussion on the record on the ways forward.

I think it is also appropriate for us to do that in light of the division of power between the executive and legislative branches. The President is the Commander in Chief, and he or she must move forward in that capacity. We are the funding arm, the legislative body. We are entitled to put forward our ideas, but there is one Commander in Chief. I think it is important we have this discussion to put forward our ideas, but it needs to be a full discussion of the ideas.

I would urge the Democratic leader, the majority leader, to bring this issue forward and have us debate various options. I have been in this body certainly during debate on contentious issues wherein we are given different viewpoints to allow people to vote, and on one that is so important and so critical an issue of our day. It is an important issue for us to have multiple viewpoints put forward. So even as one who does not support the troop surge, which I don't believe is the wise route to go, I believe this body should have options.

I would not support a close motion that says we have one option to vote on. I don't think that is a fair or an appropriate process for this body to follow. I think it is important that we have a full debate on the full range of issues.

My goodness, for us to take a couple of weeks to discuss this would not be inappropriate, given the importance and the magnitude and the seriousness of the moment. I support the troops, we all support the troops in the field. That doesn't mean we can't have a debate, but it also doesn't mean we should be limited to one thought that we can have to vote on. We should have a multiple set of ideas, fully vetted and fully discussed.

As I have traveled across this country and in my home State, this is one subject about which people have a lot of different viewpoints and a lot of different ideas. Everybody supports the troops, but they may not agree with how the war is proceeding. They think there ought to be other tactics employed, and they want viewpoints expressed. I think that is appropriate. I think the President invites us to, in responsible ways, bring these ideas and viewpoints forward. But you don't do that with having just one viewpoint and that is it; one vote and you can have an option; one proposal without amendments, when there is a full debate and discussion that is needed on this topic.

So I want to voice my opinion on this issue; that is, I think the way forward is for us to engage in the full process that the Senate is fully capable of doing and desirous of doing. I think it would be important as well to our troops in the field to have a full debate on this topic. I hope that we do that, and we could start engaging in it now rather than putting it off and delaying it further.

TRIBUTE TO CHARLIE NORWOOD

Mr. BROWNBACK. Mr. President, I want to speak briefly on one other issue aside from the war effort, as that is the one that really needs to, and does, occupy our time. But a good friend of mine has just recently passed away. Congressman Charlie Norwood. Charlie and I came in together in the House of Representatives in the 1994 election cycle. He recently passed away due to complications in his liver from a long battle that he had with pulmonary fibrosis and the difficulties that he had.

His legislative accomplishments are significant, and those are in the RECORD and well known. What I want to talk about is the person because he was a beautiful man. He served in Vietnam as a dentist. He had this beautiful, folksy way of presenting a tough topic. He would boil down the essence of a difficult topic in a folksy sentence or two, and you would listen to it and you would say: You know, I think that is about accuracy.

He could take difficult things and boil them down. He cared a lot about health care issues, and he worked a lot
on health care issues. What I remember is a kindly gentleman who was very active and involved in the issues of the day and who cared about other people. He taught adult Sunday school classes. He worked as a small businessman. He was a retired veteran, dentist, Vietnam veteran, and small businessman.

Norwood, a seven-term Member of the U.S. House of Representatives from 1995 to 2007, served most of east Georgia at some point during his congressional career due to redistricting in 1996, 2002, and 2006. He won re-election every year since 1998 by landslide margins, and was elected to the 110th Congress in November by a 68 percent margin. His 10th District seat will be filled in a special election to be scheduled by Georgia Governor Sonny Perdue.

Norwood achieved national recognition after introducing the first comprehensive managed health care reform legislation in Congress. It was subsequently passed the House of Representatives in both 1999 and 2001. Norwood’s Patient’s Bill of Rights legislation became a key issue in the 2000 presidential election, and will likely be revived in the 110th Congress.

Norwood was instrumental in health care reform for military retirees and veterans as well as patients-at-large. The former Army dentist was co-author of the Keep Our Promises to Military Retirees Act in 1999, which provided fully funded health care for life for the Nation’s military retirees. The majority of the bill was enacted as part of the Defense Authorization Act of 2000.

In addition to his longtime national advocacy for patients, Norwood succeeded in passing reforms across a broad range of public policy areas, spanning education, private property rights, telecommunications, and environmental regulations.

Norwood is further recognized as the father of the Nation’s current Class A broadcast television service, by authoring and passing into law the Community Broadcasting Protection Act in 1998. In congressional oversight action, Norwood played a key role in the 1996-1998 Teamster’s investigation, the 1998-2002 investigations of theft and fraud at the U.S. Department of Education, and the impeachment of former President Bill Clinton in 1998.

Norwood received a bachelor’s degree from Georgia Southern University in Statesboro in 1964, and a doctorate in dental surgery from Georgetown University Dental School in Washington, DC, in 1967, where he was elected president of the Dental School Student Body in his senior year. He married the former Gloria Wilkinson of Valdosta in 1962 while attending Georgia Southern. After dental school, he volunteered for the U.S. Army and served as a captain in the Dental Corps from 1967 to 1969, beginning with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, NM. In 1968 during his military career, he was awarded the Combat Medical Badge of the 173rd Airborne Brigade in Vietnam, and served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son. In recognition of his service under combat conditions, he was awarded the Combat Medical Badge and two Bronze Stars.

After Vietnam, he was assigned to the Dental Corps at Fort Gordon, GA, where he served until his discharge in 1969. Norwood was awarded the Association of the United States Army Cocklin Award in 1998, and was inducted into the Association’s Audie Murphy Society in 1999. He remained a lifelong member of the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

Dr. Norwood began private practice dentistry in Augusta immediately after his discharge. During his dental career, he served as president of the Georgia Dental Association and delegate to the American Dental Association.

In addition to his dental practice, Norwood also founded Northwoods Nursery in Evans, providing trees and shrubs to wholesale outlets throughout the Central Savannah River Area, and Augusta Dental Laboratory, which manufactured dental devices for patients.

He became a stalwart supporter of small business and property rights initiatives in Congress, receiving the 1995 Fighting Frosh award of the United States Business and Industrial Council, the Guardian of Senior’s Rights Award of the 60 Plus Association, the Friend of the Family Award of the Christian Coalition, the Friend of the Taxpayer Award of Americans for Tax Reform, the Guardian of Small Business Award of the National Federation of Independent Business, the Spirit of Enterprise Award of the U.S. Chamber of Commerce, the Thomas Jefferson Award of the U.S. Food Service Council, the Champion of Property Rights Award of the League of Private Property Owners, the Taxpayer’s Hero Award of the Council for Citizens Against Government Waste, and the Taxpayer’s Friend Award of National Taxpayers Union.

Dr. Norwood and his wife Gloria were longtime members of and taught adult Sunday school at the United Methodist Church in Augusta. He was also a past board member of the Augusta Opera Society and a member of the Augusta Symphony Guild.

Mr. BROWNBACK. Mr. President, I note the advance of legislation on the floor.

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

Mr. ALEXANDER. Mr. President, are we now in morning business? The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes.

Mr. ALEXANDER. Mr. President, if the Chair would please let me know when I have a minute left.

Mr. ALEXANDER. Mr. President, when we come back from the recess we are going to turn our attention to the 9/11 Commission recommendations which have been enacted by the House. I want to discuss an issue I hope will come up when we discuss the 9/11 Commission recommendations and that has to do with the so-called REAL ID card, the de facto national ID card.

This is a law that was enacted in early 2005. It was House-passed legislation that would require States to turn more than 190 million driver’s licenses into de facto national identification cards, with State taxpayers paying most of the costs. I am not very much of a prognosticator. My predictions have never been all that accurate, but at the time of that passage, I objected to it.

The first thing wrong with the REAL ID law was that the House stuck the law into an appropriations bill that would fund Federal mandates and sent it over to the Senate. None of us wanted to slow down support for our troops in Iraq while we debated ID cards, so it was stuck in there and we passed it. But the second and larger problem with what the House did 2 years ago, and what we agreed to fund it became law, is that States not only got to create the ID cards, but they will likely end up paying the bill, I said to my colleagues, and at that time we had a Republican Congress: This is one more of those unfunded Federal mandates we Republicans promised to end.

Well, now we have moved ahead about 2 years, and I believe I have
When I was Governor of Tennessee, I twice vetoed the photo driver’s license which we all now carry around in our pockets. I did that, first, because I thought it was an infringement upon civil liberties; and, second, I did it because I thought what would happen was that we would have one black block is too far of people waiting to get their photo ID card—and that still happens sometimes—but I was gradually overruled by the State legislature and we got an ID card.

What helped getting overruled was when I showed up at the White House once to see the President at the National Governor’s Conference and they asked to see my photo ID. I said: I don’t have one. They asked: Why not? I said: Because I vetoed it. And I had to be vouched for by the Governor of Georgia. The push for this was law enforcement saying it would help with check-cashing and other identification.

While as a liberty-loving country, we say we do not want a national ID card, at the same time, we have allowed a de facto national ID card. That is a State driver’s license. We have over 190 million of these. We have ID cards which are very ineffective. They are easily duplicated, they are often stolen, and we get around not just using them to prove we are alive, but on airplanes, we use them to cash checks, and we use them to get a passport. They are not an effective ID card.

I have reluctantly come to my conclusion. Despite the fact I vetoed those early ID cards, on September 11, one way our world has changed is we do need a national ID card. Maybe our discussion in committees would show we do not want one but that we want authorized two or three forms of identification cards which meet certain standards which can be used for different ways.

For example, there could be a travel card that one could use to get on an airplane or a travel card that allowed you to get on the airplane, you might use it for other purposes, as we have come to use the driver’s licenses in that way or we might use the passport. About a quarter of Americans have passports, 68 million Americans. That is one form of an ID card though not as common as 196 million driver’s licenses. There is also the Social Security card. My initial instinct is that a Social Security card having the number attached to it would be the wisest, the most effective, and most useful ID card because most of the immigration problems we have are related to work, either as a student or as a worker. It would be natural to have an ID card, to have a Social Security card such as the card we carry around in our pockets that also serves as a de facto national ID card.

There was a case of the Swift Company, which is using, under its anti-移民 program, the basic pilot program, which is what we say to businesses to use if we want them to do everything they can to make sure they are only hiring people legally in the United States. Swift and other companies do that. Even if they do that, they cannot be assured that the people they are hiring are legally here because many of the Social Security numbers have been stolen, as it turns out, and it is easy to put the right number into someone who applies for a job and presents evidence they are a citizen. Our laws say you cannot ask more questions to second-guess that.

We have some people who think about the immigration issue—which is what brought all this up, along with the September 11 disaster—we think of the immigration issue and we think of the need for employer verification. For employers in this country to verify that people they hire are legally here, we are going to have to supply those employers, in some way, with the ability to ask for a good identification card. Perhaps it is the Social Security card, perhaps it is the driver’s license, perhaps it is a bank card, maybe there are two or three of those. That might be a way to avoid having a single card and could diminish the concern about civil liberties. Or maybe the needed ID is the driver’s license, but I doubt it is the driver’s license.

Certainly, we should not expect the men and women in the Tennessee Department of Public Safety who are in charge of issuing a few million driver’s licenses to be the agents whose job it is to catch terrorists. I don’t think they are expected to do that. They are not prepared to do that.

What we will be requiring is the citizens of the various States to show up to get their driver’s license or a renewal with different forms of identification, some of which they may not have. It will be a very expensive process and a big mess. My first impression is that the State driver’s license system is not the best way to go. If we want to create an identification card.

Here is my suggestion. My suggestion is we pay close attention to the Senator from Maine, Susan Collins, when we come back after the recess. She has a thoughtful recommendation to the Senate which suggests, over the next couple of years, we have time to look at this issue of whether we need a national identification card and what kind of identification card we might need. Perhaps we held this year in the Homeland Security and Governmental Affairs Committee and the Judiciary Committee or whatever the appropriate committees might be, and then we might deal with this issue in the immigration bill which I hope we pass this year.

We need a comprehensive immigration bill. That bill needs to have an employer verification system. I don’t see how we can have an employer verification system without a good form of identification card. I hope we will deal with this in the way the Senate normally deals with issues; that is, through its committees, considering all
of the options. In the meantime, we have the Real ID law in place with the estimate that it may cost up to $11 billion, a huge unfunded mandate. We have States saying we are going to opt out of that program. If they do, that means the citizens of Maine or Montana or other State will be illegal allowed to fly on airplanes, for example, because they will not be from a State that has an approved ID card. That will create a lot more confusion and a lot more angry constituents.

I ask unanimous consent to have printed in the RECORD an article I wrote in the Washington Post on Wednesday, March 30, 2005, about the Real ID and my views.

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

[From the Washington Post, Mar. 30, 2005]

MUCH AS I HATE IT, WE NEED A NATIONAL ID

(By Lamar Alexander)

The House recently passed legislation requiring states to turn 190 million driver’s licenses into national ID cards, with state taxpayers paying the cost.

The first thing wrong here is that the House stuck the id card proposal on the appropriations bill that supports troops in Iraq and sent it over to the Senate. We should not slow down money for our troops while we debate ID cards.

The second problem is that states may only get to create these ID cards, they’ll likely end up paying the bill. This is one more of the unfunded federal mandates that we Republicans promised to stop.

Support for this mandate is no mandate because states have a choice. True, states may refuse to conform to the proposed federal standards and issue licenses to whomsoever much is given of him may refuse to conform to the proposed federal standards and issue licenses to whomsoever much is given of him shall be much required.

That was quoted from the 12th chapter of the Gospel of St. Luke, verse 48, the King James version.

When I think of that passage, I think of the life, the career, and the accomplishments thus far of my dear friend, my dear friend and colleague, Senator Ted Kennedy, who will turn 75 years old—Oh, to be 75 again—he will turn 75 years old, on February 22. The Senate will be out of session on February 22.

When Ted Kennedy came to the Senate in 1962, I would already have been here 4 years. So when he, Ted Kennedy, came to the Senate in 1962, much had already been given to Senator Ted Kennedy. He had been born into a wealthy and remarkably, remarkably talented family. His father, a financial genius, had been an Ambassador to England—think of that, Ambassador to England—and the very first Commissioner of the Securities and Exchange Commission.

One of his brothers, one of Ted Kennedy’s brothers, had been a Senator—I can see him now, as it were—and was then President of the United States, but had been a Senator. Another brother—was the Attorney General of the United States, and would eventually join Ted in the Senate in 1965.

As for Senator Edward “Ted” Kennedy, himself, he had attended two of our country’s premier educational institutions—Harvard College, and yes, the University of Virginia. And Ted, Ted Kennedy, had already accumulated a lifetime of political experience by the tender age of 30 when he came to this Senate. How remarkable—just burst upon the landscape. I remember, therefore, as the Scripture tells us, we had a right to expect much from Ted Kennedy when he came to the Senate. We had a right to expect much. What about our expectations? He delivered. He delivered.

In the Senate, Ted Kennedy became the heart and the conscience, yes, of American liberalism. And he has been one of the most effective—I know. I have been here. I have watched him, I did not particularly like him at the beginning. I did not like him. He was not of us. We did not know that. We did not care who else knew it. It did not matter.

In the Senate, Senator Kennedy became the heart and the conscience of American liberalism. He has been one of the most effective legislators—read the RECORD; read the history of the Senate—he has been one of the most effective national legislators of the 20th century. And as one who knows something about American history and the history of the Senate, he has been one of the most effective national legislators of all time in the Senate. I have not lived all time, but I know something about all time. I know something about the Senate and know something about the history of the Senate.

Ted Kennedy has been one of the most effective national legislators of the 20th century or of all time as far as this Republic stands. His imprint is on nearly every piece of progressive legislation—liberalism crafted during the past 45 years. I will read that again. I want to make sure I believe that myself. His imprint is on nearly every piece of progressive legislation crafted during the past 45 years: the Occupational Safety and Health Act, OSHA; the Voting Rights Act; the Age Discrimination Act; the Freedom of Information Act; the Americans with Disabilities Act; health care reform; increases in the Federal minimum wage. These are but a few of his, Ted Kennedy’s, monuments.

Additionally, he has been among those few at the very forefront of promoting women’s rights and women’s equality.

He, Edward M. Kennedy, Ted Kennedy, is the Senate’s Mr. Health Care. He is the Senate’s Mr. Civil Rights, to a great extent. He is the Senate’s Mr. Human Rights. As his Senate record reveals, Senator Kennedy is a man—a Senator—of remarkable compassion, who has labored mightily on behalf of his fellow citizens. Although born to a life of privilege, Ted Kennedy has dedicated his life—if
I ever saw a dedication to public service—dedicated his life to public service.

Senator Edward M. Kennedy, Ted Kennedy, has spent more than half of his life in the Senate. I have done that, too. I was just contemplating and figuring my head. Yes, that is a long time. He has spent more than half of his life in the Senate, yes. I have spent more than half of mine, but I am not the subject of this.

He, Ted Kennedy, is now second in seniority in the Senate. He, Ted Kennedy, is the third longest serving Senator in the history of the United States of America.

As I wish my dear friend Ted Kennedy the happiest of birthdays, perhaps I should point out that our relationship—his and mine—did not begin. I think I have already hinted at that—on the friendliest of terms. I first encountered Ted Kennedy during the bitter and famous 1960 West Virginia Democratic primary. Ted Kennedy was in the State helping his brother John F. Kennedy, who was running for President. I, Robert C. Byrd, was supporting the other guy.

In 1976, I was running for the position of Senate majority leader. This time, he, Ted Kennedy, was supporting the other guy.

This hardly seemed the beginning of a beautiful relationship, but it was. During those early days in the Senate, I came to admire Ted Kennedy—yes, I came to admire him—as a dedicated Senator of incredible tenacity and admirable legislative skills. I found him to be an indefatigable worker who could accomplish, yes, what seemed to be legislative miracles. Sometimes they were.

I, personally, will always be grateful for the support, the unstinting support, that Senator Ted Kennedy gave to me during my Senate career. It was my college to serve, yes, serve as the Senate Democratic leader. And I was. I was the leader, the Senate Democratic leader. When times got tough, as they sometimes do for a Senate leader, I knew that I could always count—I could always count; yes, even without asking him. I knew where he stood—

Mr. KERRY. Mr. President, I stand today to honor the memory of three Montanans, three public servants and American heroes who have passed away last week in my home State of Montana.

Vince Kirol, Darcy Dengel, and Paul Erickson.

Mr. TESTER. Mr. President, I rise today in honor of three Montanans, three public servants and American heroes who passed away last week in my home State of Montana.

Today, Senator Baucus and I grieve with the city of Great Falls and the State of Montana for the tremendous loss we have felt in the families of the three victims of a Mercy Flight air ambulance crash in our thoughts and prayers. Their colleagues at Benefis Hospital in Great Falls and across my State are mourning, remembering, and honoring the lives of Vince Kirol, Darcy Dengel, and Paul Erickson.

Vince, Darcy, and Paul died when their plane went down on a routine flight from Great Falls to Bozeman Tuesday night to pick up a patient. I do not know what we in this body hold those three in highest esteem as public servants who selflessly risked their own lives to help others.

Vince Kirol was a pilot for 40 years. He flew for Mercy Flight the last 12 of those years. Vince has left an everlasting footprint on Montana.

Darcy Dengel, a registered flight nurse, was only 27 years of age. She was engaged to be married to a Great Falls police officer. Darcy will not be forgotten.

Paul Erickson was a Great Falls firefighter and paramedic. We will never forget the service Paul left behind. It has changed lives forever.
what they need. According to the Washington Post this week, our soldi- ers are short more than 4,000 of the latest humvee armor kit, the FRAG Kit 5. Fewer than half of the Army's 14,500 up- armored HMMWVs in Iraq and Afghanistan have the latest equipment. As Defense Secretary Rumsfeld, the Army's Deputy Chief of Staff for Force Development, said:

We don't have the kits and we don't have the trucks.

It is not just armored vehicles that would help. We need better body armor, too. People are actually holding bake sales in our States in order to raise the money to pri- vately purchase and send to their loved ones the armor or the helmets they want.

Over a year ago, the Pentagon issued a report that many of the deaths in Iraq caused by upper-body injuries could be prevented if all the body armor issued to our troops included side protection. Some of my collea- gues raised this issue with Sec- retary Rumsfeld, and he assured them that the Pentagon was going to begin the procurement and delivery of an ad- ditional 230,000 sets of side armor plates.

Last month, another Pentagon report found continued shortages in force pro- tection equipment for our soldiers, a shortage of body armor, a shortage of up-armored vehicles, a shortage of communications equipment, and a shortage of electronic countermeasure devices.

We have also heard firsthand from troops that many are still being issued body armor without the side armor plates. How can someone be content to send our soldiers on the most dan- gerous patrols in the roughest neigh- borhoods of Baghdad without the best possible protection being afforded them?

In the last 4 years, over 1,100 Ameri- cans have died from roadside bombs, and thousands of our best troops have suffered debilitating injuries or had their lives permanently altered by these terrible weapons.

Knowing full well you don't have enough armor for the troops already in the field, how do you responsibly turn around and say: That is OK. We will just go ahead and put another 21,500 or more right there alongside them, par- ticularly when it is a job that Iraqis themselves ought to be doing? By themselves, these shortages are trouble. But the President's plan to send over this additional force makes them even more questionable.

Now we hear that the troops pouring into Iraq will not even have enough up- armored HMMWVs or other armored vehicles until July. So what is the ra- tionale for putting in the over 20,000 now, when the armor their lives depend on is not going to arrive until July? How do you turn around and say to a parent or to one of those young people themselves that they are the next peo- ple to be over in Bethesda or in Walter Reed minus their limbs? Oh, sorry, we just didn't get them over there in time, even though we had a couple of years to make the plans and respond, the most powerful, richest Nation on the face of the planet, one that prides itself on its technology and on its support for the troops. How do you explain that to one of those soldiers?

Eighteen months into the war, Don- ald Rumsfeld told troops in Kuwait a now famous line:

As you know, you go to war with the Army that you have.

Well, in addition to being a pretty smug and even cavalier thing to say at that point in time, you ought to meas- ure it by where we are today. That was about a year and a half ago. You may go into war with the Army you have, but smart people adapt to their en- emy's tactics. You exploit their weak- nesses, and you certainly work to mini- mize your own. We ended World War II in less time than it took to pro- execute the current war in Iraq. We ended it with a weapon that didn't even exist when World War II began, when Pearl Harbor took place.

We have known for years now that the technologies are being used to kill our troops are outpacing the equipment we use to protect them. And the gap between their offensive weap- ons and our defensive armor is only growing, thanks in part to a major in- crease in an especially lethal kind of roadside bomb known as an explosively formed penetrator. This is a diabolical contraption which has been described as a "spear that rips right through the vehicle." It can shoot a metal projectile through the side of even an up-armored HMMWV and turn pieces of the vehicle itself into shrapnel that kills or maims the soldiers inside.

Ninety percent of American fatalities from these terrible weapons have come in Baghdad. Against the warnings of former Secretary of State Colin Pow- ell, against the warnings of GEN John Abizaid, against the warnings of the entire Joint Chiefs of Staff last year, who said we don't need more troops and don't want them, the President is now sending five brigades to referee a Sunni/Shia civil war. We are sending them without the protection they need to survive EFP attacks.

Unfortunately, even with the latest armor kits that the US has taken to pro- tect the current war in Iraq, unfortunately, even with the latest armor kits we have put in place, they are not enough. The President's escalation plan, and they say that we are showing them on a daily basis. Unfortunately, this will not be the last war in which our troops are targeted in the vehicles they ride.

Since Somalia, in 1993, we have known that humvees, with their thin skin and square-bottom chassis, are ill-adapted to the modern battlefield. We need to bridge this short-term gap and we need to in- vest in the armored vehicles to keep our soldiers safe in the future. This is serious business, and we cannot afford to be vulnerable or reluctant to engage with the urgency it requires.

No Commander in Chief and no Con- gress should knowingly put the lives of our soldiers at risk unnecessarily. But that is exactly what is happening as we speak. In August of this war, the time that we had an honest conversation about what protecting our troops means. Some of our colleagues have come to the floor, even after blocking a vote on what we might or might not do with respect to Iraq and the Presi- dent's escalation plan, and they say they want an amendment saying that if Congress were to use the power of the purse to force this Administration to change its failed policy, that that somehow would be putting our troops at risk.

Let me tell you what puts our troops at risk. It is sending them on a mission without the equipment, without the
Mr. GRASSLEY. Madam President, I ask unanimous consent to speak in morning business for such time as I might consume and that it be roughly 20 to 30 minutes.

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

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Madam President, you and other Senators have seen me on the floor in the last few days in order to bring some clarity to our discussion we have every year about what to do with the alternative minimum tax. When I say “every year,” for at least the last 3 years we have had some discussion about the alternative minimum tax. I would remind people that in 1999 we passed a repeal of the alternative minimum tax, but President Clinton vetoed it and we haven’t been able to repeal it since.

Now this alternative minimum tax was originally enacted in 1969 targeting wealthy taxpayers who were able to legally eliminate their entire income tax liabilities. The AMT has turned into a monster that has threatened to hurt the middle class and maybe eventually touch lower income taxpayers if we don’t do something about it. Obviously, if it is a monster, that ought to indicate to my colleagues that I think it ought to be repealed.

The reason for this, as I have explained, is the failure a long time ago to index the alternative minimum tax for inflation. Thirty-eight years of inflation has allowed the alternative minimum tax to spread to literally millions of taxpayers who were never intended to pay the tax in the first place. Although more middle and lower income taxpayers will be hit by the alternative minimum tax, it has not decreased the percentage of high-income taxpayers who have no tax liability. So here we have the anomaly of a tax that was supposed to hit just the very wealthy.

In the year 1969, we were talking about a study which showed 155 people. Now it is hitting millions of people. This year, if we don’t act, it is going to hit another 9 million or 10 million. And the anomaly is, there are people who have figured a way to even not pay the alternative minimum tax, and those people obviously are the wealthy whom it was supposed to hit in the first place.

The alternative minimum tax also takes more than the taxpayers’ money; it takes an awful lot of time to figure through this when you are doing your taxes. I think it was on Tuesday of this week or Monday of this week when I said the IRS estimates that the taxpayers spend an average of 63 hours computing the alternative minimum tax liability. The alternative minimum tax is truly a very cruel way of raising revenue. While there seems to be general agreement that the AMT is a problem, there has been less agreement on the solution for that problem.

Perhaps I shouldn’t be surprised that there are more problems than there are solutions, but I am surprised by some of the obstacles preventing a solution to the alternative minimum tax.

There are some who make the argument that any revenue not collected in the future as a result of the alternative minimum tax repeal, or reform, ought to be offset. I explained this before, but you can’t say it too many times around here: The alternative minimum tax is a phony revenue source and should not be offset. Since the alternative minimum tax collects revenues, it was never intended to collect from people who were never intended to pay it in the first place.

Although the alternative minimum tax is still with us, it is not because solutions have not been considered and proposed. Right now I will walk through some of those solutions that have been suggested. Before I begin, I wish to emphasize a point I made a couple days ago. With surprising regularity over the past 38 years, Congress has been meddling with the AMT, including the year I said we passed legislation to repeal it and President Clinton vetoed it. Since 1969, more than 20 bills have made changes to the alternative minimum tax. Sometimes the rate was adjusted. Sometimes the exemption amount was modified. More than once, graduated rates were introduced. My point is that for 38 years, Congress has hoped to tinker with the alternative minimum tax in just the right, very right way, very perfect way, to finally get it right but not succeed. If we were the smartest Congress in 38 years, anything short of complete repeal of the AMT will probably require yet further action down the road in a few years.

I would also like to draw attention to the revenue estimates done by the Joint Committee on Taxation in 2005 that is reproduced on this chart, and those numbers are only going to talk around them and not specifically to those numbers. I ask unanimous consent that this estimate be printed in the RECORD.
Mr. GRASSLEY. This is an estimate of how various proposed fixes to the alternative minimum tax will impact revenues expected to be collected under the current law. What you should note is that full repeal aside—which I suggest is about the only way to do it but not considering that—each of those proposals will still allow the alternative minimum tax to bring hundreds of billions of dollars into the Treasury. If you consider any proposal aside from full repeal, you are saying that hundreds of thousands, if not millions, of people in our country deserve to bear the burden of an alternative minimum tax that is not even, in some instances today, taxing to people who are supposed to pay the tax: the very wealthy.

One possible solution is to continue doing what we have been doing for the past several years. Ever since 2001, the Finance Committee has produced legislation that has kept additional taxpayers from falling prey to the alternative minimum tax because of inflation. In the tax increase prevention and reconciliation bill of 2005, we were able to extend the hold-harmless clause through December 31, just ended. That hold-harmless clause has expired, but I think the extension will need to be taken this very year or the AMT will return to its pre-2001 exemption levels, and tens of millions of taxpayers will fall into the AMT and have to pay it this year.

Suppose we are able to continue enacting 1- or 2-year temporary patches, as we did last year. First, this strategy assumes that Congress will have the time and the inclination to spend time dealing with the alternative minimum tax every year or two. This means that whatever the issues of the day may be—Iraq, unemployment, natural disasters such as Katrina—Congress will have to stop dealing with those other problems and periodically return to holding harmless people who would be otherwise hit by the alternative minimum tax.

Is the alternative minimum tax an issue that we, as a legislative body, should revisit every year or wouldn’t it be better to do away with a piece of legislation that was never intended to kill the middle class but will? Today I can show you some taxpayers who ought to be paying it who have found ways of getting around a provision that no wealthy taxpayer was supposed to get around. I hope this body would be ashamed to say that to anyone, that we would consider going down that road, but there we are.

The second point I wish to make is that Congress attempts to enact or do this every year. Every time a patch is considered, there is another chance for taxpayers to be subject to a stealth tax increase. Finally, we have to remember that more than 3 million taxpayers are currently caught by the AMT, and we are putting a chart up here now that will show more than 3 million families and individuals paid this tax in 2004. This is the way it hits every State. In case the Senator who is presiding can’t see this, in the case of Minnesota, there are 69,000 people in that State who paid this for the last year we know about, 2004. In my State of Iowa, if I can find Iowa on here, 17,000, and I will bet most of these people in Minnesota or Iowa who are paying it—you know, in 1969, it was never anticipated that they pay it. But they are paying it because that’s the way the tax laws work, until you make some change in them, and because this wasn’t indexed.

In dealing with the alternative minimum tax, are we going to tell these people we know that isn’t fair and we would like to help you, but in fact you are out there on your own? Well, no taxpayer hearing me say that wants to hear that. I hope this body would be ashamed to say to anyone, much less more than 3 million families and individuals, that any extension of a patch or hold harmless will be fundamentally flawed in that it doesn’t take people already hit by the AMT into account. If we are going to decide to protect people from falling into the clutches of the AMT, it would be immoral to forget about those already subject to it.

I wish to add, as someone involved in enacting the recent hold-harmless provisions, so people preparing their income tax right now, there aren’t any more of them hit by the alternative minimum tax than were hit the previous year, but that is ended December 31. But as one who was involved in that, they were never intended to be a permanent solution. The patches were always “kicking the can down the road” and letting somebody else worry about them. Well, I am still here, and I have to worry about it, so I am creating problems for myself. But I don’t know how you can get people tuned in to doing away with a tax, and you can’t do away with it because you have to offset it, but you are offsetting it with a bunch of phantom income that was never supposed to be paid by these people in the first place. The public listening to this are going to say: Well, what planet did these Congressmen come from?

Well, let’s go on to another idea, to limit the reach of the alternative minimum tax based on income. We might decide, for instance, that anyone who makes less than $125,000 a year will not be subject to the alternative minimum tax or maybe we could set it at the amount of $200,000 or you could say $400,000. Now, in a nutshell, I have laid out a principal difficulty with setting a minimum threshold based on income. How do we set a number that is equitable throughout the country? I am not thinking of myself so much as those who come from the so-called blue States, their taxpayers. Any Iowan who has spent any time in Washington, DC, knows right away that it generally costs more to live in those States than in other States, more rural States. It costs more to buy a house, to buy food at the grocery store. What I am trying to get at is that prices and incomes are relative. Taxpayers living in areas such as Manhattan or San Francisco could be especially hard hit by the alternative minimum tax by income. In fixing the AMT, I don’t want to move problems around or reassign hardships. That is akin to reassigning the tables and chairs on the deck of the Titanic. Another proposal which has been suggested is to allow certain preference items, such as a personal exemption, the standard deduction, the State and local taxes, against their income for the purposes...
of calculating AMT liability. This approach is also fraught with difficulty and unnecessary decisions. To implement this proposal, we would have to arbitrarily give some taxpayers an escape hatch, while others would not be able to do the same.

If we allow State and local taxes to be a preferred item, for example, we are giving an advantage to people who choose to live in high-tax jurisdictions over those who choose to live in low-tax jurisdictions. In my way of thinking, no one should have the Federal Government to give more favorable tax treatment to some taxpayers because of where they live. Also, it seems likely that taxpayers who pay the most in State and local taxes are going to be wealthy taxpayers whom the AMT was supposed to tax in the very first place.

If we were to give the standard deduction preferential status in calculating AMT liability, then I have concerns about the impact this might have on charitable giving. If we only allow the standard deduction to be taken against the AMT, people may decide not to make charitable donations they might otherwise consider. On the other hand, we could allow taxpayers to count their total charitable contributions when calculating AMT. This approach favors those wealthy enough to make large charitable contributions.

The point I make is allowing taxpayers to consider certain items when calculating their AMT liability will make it necessary to favor some taxpayers and will lead to bills making more changes in the future to the AMT as various groups or interests fight to allow a given exemption or deductibility they favor to be taken against the AMT liability. These are all items which have been floating around as suggestions to fix this problem we have. I don’t think any of these suggestions, any of these floating around as suggestions to fix the alternative minimum tax was originally conceived as a means to eliminate charitable contributions when calculating AMT. This approach favors those wealthy enough to make large charitable contributions.

The alternative minimum tax was originally conceived as a means to ensure that the Tax Code was equitable and more progressive. Ironically, the only thing that would completely banish the individual AMT from the Tax Code. Any other solution will entail we treat taxpayers in similar situations differently or that we arbitrarily choose winners and losers. As I have said many times, the alternative minimum tax has been a complete and absolute failure. The alternative minimum tax was only supposed to hit a very small number of wealthy taxpayers who were able to legally eliminate the tax liability. In reality, the AMT is gradually consuming our middle class and is projected to absorb more revenue coming in from the alternative minimum tax than the regular income tax in just a little while. Furthermore, the alternative minimum tax does not even prevent wealthy taxpayers from eliminating their tax liabilities. If Members have heard me say that four times, I wish to explain this problem to a bipartisan group of Senators Chairman BAUCUS, with me and with Senator CRAPO, Senator KYL, Senator ROBERTS, Senator SCHUMER, and Senator SMITH, last month introduced the Individual Alternative Minimum Tax Repeal Act of 2007. By the way, that is a bipartisan group of people.

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more if it is worth working to make more.

Regardless of where we set it, 17 percent to 19 percent seems to work because, at least in my judgment, a very common sense judgment, it is a level of taxation that there has not been a revolt over, a level of taxation that 50 years of our country shows has increased the standard of living for the American people very dramatically.

If we consider the AMT to be fundamentally an unfair tax, any tax that would replace it would be equally unfair. Anyone who wants equity to be a fundamental value represented by our Tax Code or who wants fair treatment for this country's taxpayers must support complete repeal of the alternative minimum tax and should support the Baucus-Grassley bill, which is the Individual Alternative Minimum Tax Repeal Act of 2007, a bipartisan bill.

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

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the question be rescinded.

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

IRAQ

Ms. STABENOW. Mr. President, I rise today to speak about the continued obstructionism in the Senate, led by our Republican colleagues, concerning the vote on supporting or opposing the President’s escalation of the war in Iraq.

For 2 weeks our distinguished majority leader has been trying to get an agreement to just proceed to a fair debate, to just have the opportunity on the floor of the Senate to have a debate on whether we support the President’s escalation of the war in Iraq. He has offered an up-or-down vote on two different proposals—one opposing the escalation, the second supporting it. At every turn he has been stymied.

Our Republican minority claims they want to debate the war in Iraq, but they have done everything they can to obstruct the debate. I would like to go through some of the history of this obstructionism. Since the first of the year, Republicans have rejected at least three different compromises that would have allowed the Senate to move forward with a vote on the escalation of the war in Iraq. In an effort to obtain an up-or-down vote on the bipartisan resolution disapproving the President’s plan, Senate Democrats offered to schedule an up-or-down vote on the McCain-Graham resolution supporting the President’s plan. Unfortunately, the Republican leadership rejected the offer on what they claimed to support.

Then we, as Senate Democrats, offered the Republican leadership up-or-down votes on two other resolutions—the Gregg resolution and a resolution stating simply that the Senate does not support the surge and demands that the troops deploying to Iraq receive the body armor and other equipment they need. The Republican leadership rejected the offer.

Finally, Senate Democrats offered to allow votes on the bipartisan resolution and the McCain-Gramm resolution that would each have required a supermajority of 60 votes. The Republican leadership again said no. The pattern of obstruction has, unfortunately, continued. On February 5, all but two Republican Senators opted to block a debate, including the distinguished author of the resolution—chose to block debate on whether we support the President’s escalation plan. The reaction across the country was echoed in numerous newspaper headlines.


The Washington Times: Senate GOP Blocked Iraq Resolution.


USA Today: Vote On Iraq Is Blocked By The GOP.

Denver Post: GOP Blocks Iraq Debate.

Reuters: Republicans Block Senate Debate On Iraq.

CNN: GOP Blocks Senate Debate On Iraq Resolution.

Los Angeles Times: GOP Bats Down Resolution Debate.

After almost 2 weeks of more stalling by the Republican leadership, Senate Majority leader HARRY REID today, for the first time, offered a compromise that would have allowed all of us the opportunity to stand up and take a position and vote our conscience. Simply put, every Member of the Senate would be given the opportunity to vote on a bill equal to the House resolution opposing the President’s escalation of the war in Iraq and also a resolution supporting the President’s plan to send even more troops into combat operations in Iraq.

What could be simpler? What could be more fair? The reaction by the Republican leadership, sadly, was not surprising. They again said no. They don’t want to vote. I find it interesting that earlier today colleagues on the other side of the aisle who voted to stop us from going ahead to a vote are now saying we should not adjourn until we vote. Well, in fact, our distinguished majority leader and the majority agree. Therefore, we will have that vote after the House votes tomorrow. We will have that vote on Saturday.

Supporters of the war in Iraq have decided to hide from the public when we decide to just have the opportunity on the floor of the Senate to go to war. It was a hard vote. It was a lonely vote. But I was proud to do my duty, along with all of my colleagues, and stand publicly and take a position and have our votes counted. It is an ironic statement, considering that they are stifling the democratic process on the floor of the Senate. Recent public opinion surveys have shown that a clear majority of Americans—in some cases as many as 70 percent of American citizens—when asked, say they support the President’s plan to escalate the war in Iraq. From our biggest cities to our smallest towns, the American people are demanding accountability on the war in Iraq. They have questions and they are looking to their leaders for answers, specifically, are looking to their leaders—to us—for focus and debate and a willingness to take a position and speak out and make change happen.

The Traverse City Record Eagle, in Michigan, in their editorial page, summed it up. I believe, on January 25, they said:

Someone frozen in time for the past 2 years could have listened to President Bush outline his new Iraq policy in his State of the Union Address Tuesday and wondered what the fuss was about. That is because there is nothing new policy.

Today, the road ahead looks just like the road behind—stay the course. Only this time there will be about 20,000 more American troops in harm’s way [not counting support troops]. Before we know it, we’ll be at 4,000 Americans dead and 30,000 wounded and nothing will have changed.

They went on to say:

The awful reality, as many who watched Tuesday surely realized, is that the President has no exit strategy. He has no idea how to get Sunnis and Shiites to stop killing each other, let alone form a stable government. He has no evidence they even have any desire to do so. There is only his war, and it goes on and on.

Mr. President, our troops and their families, more than anybody else, deserve better. They deserve better than this strategy, and they deserve better than tactics designed to stop us from a full and open debate about the President’s strategy. They deserve better than people avoiding taking a stand, taking a vote on this President’s escalation in Iraq.

This debate is already taking place all across America, all across Michigan—in coffee shops, diners, union halls, office parks, at church dinners, and at VFW halls. Americans are speaking out and asking tough questions about this administration’s misguided escalation of the war. And in the Senate, in a move that clearly disregards the opinions of the majority of Americans, the Republican leadership has refused to allow a real debate and a vote on the President’s escalation.

Four years ago, I stood in this Chamber alongside 22 colleagues and voted no on giving the President the authority to go to war. It was a hard vote. It was a lonely vote. But I was proud to do my duty, along with all of my colleagues, and stand publicly and take a position and have our votes counted. It is an ironic statement, considering that they are stifling the democratic process on the floor of the Senate. Recent public opinion surveys have shown that a clear majority of Americans—in some cases as many as 70 percent of American citizens—when asked, say they support the President’s plan to escalate the war in Iraq. From our biggest cities to our smallest towns, the American people are demanding accountability on the war in Iraq. They have questions and they are looking to their leaders for answers, specifically, are looking to their leaders—to us—for focus and debate and a willingness to take a position and speak out and make change happen.
vote their conscience and to tell the American people where they stand, win or lose.

This should not be a discussion of politics. This is a discussion of the most serious policy. Any soldier will tell you that there are no politics in a foxhole. The American people—Republicans, Democrats, and Independents—are asking us to take a look, long and hard, at what we are doing in Iraq. We were not elected to stand silently while our fellow citizens demand answers. We must stop the advance of global communism. Economic and political realities of the situation on the ground which our men and women are facing. We cannot silence the debate. They cannot avoid reality. They cannot avoid the truth.

To every American around the country asking questions, I say thank you. Thank you for asking questions, thank you for speaking up, thank you for being a part of the democratic process we hold so dear, and thank you for following your conscience.

There is nothing simple about the situation in Iraq. We all know that. But there is nothing complicated about what America is asking us to do. It is time for all of us—those who oppose the escalation of the war and those who support it—to stand up and have our votes counted.

This is not the time for legislative games. This is too serious a time and too serious a topic. The President has presented a plan. It is time for us to vote.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time, first, to commend the majority leader, Senator Reid, for doing everything in his power to bring up the most important issue we face as a nation, and that is the future of Iraq.

I must tell you, as I travel through the State of Maryland, the citizens of my State ask: What are we doing to change the course in Iraq? What are we doing?

Senator Reid has proposed a plan. If we learn anything at all from the elections last November, it was that the people of this Nation want to see a change in direction in Iraq. They understand our plans have not worked, that we need to look for a new direction, and yet the President is giving us more of the same.

We need to engage the international community to look for a political solution so that Iraqis have confidence in their own Government and Sunnis and Shiites can live together in one country. We need to engage the international community to help rebuild Iraq. They need help in the rebuilding of their country, and they certainly need the help of the international community in training Iraqis to take care of their own needs.

Americans have made a significant investment in this country. We have given so much. Four years ago, I opposed the military presence of America in Iraq. I voted against it in the other body. I said at that time:

I have grave concerns about the consequences of a unilateral preemptive military attack by the United States. Such a course of action could endanger our global coalition against terrorism, particularly from our moderate Arab allies. It also may increase terrorism activities around the world.

Unfortunately, I was right. I remember the predictions that were made 4 years ago that this would be a relatively brief military operation, that we would be welcomed by the Iraqis, that the Iraqis would be able to take care of the security of their own country, that the standard of living for the average Iraqi would increase dramatically.

Unfortunately, that has not come true. The reality of the situation is that over 3,100 American soldiers have lost their lives in Iraq. Over 20,000 American soldiers have had life-changing injuries as a result of their service in Iraq. Hundreds of billions of dollars from our moderate Arab allies. It also may increase terrorism activities around the world.

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problem. More American troops will not solve the problem in Iraq.

I am a member of the Foreign Relations Committee. We completed over 3 weeks of hearings concerning the current status in Iraq. We heard from military experts, foreign policy experts, generals and policy people. I must tell you, they raise serious questions as to whether we can win the war in Iraq on the battlefield. They are telling us over and over again that what we need is additional capacity in diplomacy, not additional American troops. We need to signal the Iraqi Government, the international community, and, most importantly, the American people that our presence in Iraq is not indefinite. More American troops will not bring about victory in Iraq. More diplomacy might. More engagement of the international community might. More importantly, the American people need to signal the Iraqi Government, telling us over and over again that their dissatisfaction with the President’s policies in Iraq, President Bush has responded with a call for more troops, not less. At this moment, he is indicating that we should be deploying our brave men and women out of harm’s way. He is sending these troops into the middle of a civil war.

Now there are reports that the President may be considering expanding this tragic war into Iran. The President has no constitutional authority to make war on Iran without congressional approval, nor has he historical precedent. I offer today a resolution “expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress.” The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress. The resolution sets forth the constitutional grant of authority to Congress for declaring war and funding any war, it cites Federalist Paper No. 69 on the intention of the drafters of the Constitution, and it cites Presidents Washington and Jefferson on the power reserved to Congress to authorize war.

The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress, the decision to go forward on a war is made, votes on questions of war. You know that at the end of the day, if the decision to go forward on a war is made, people will die.

Many decisions we make on the floor of the House and Senate have little consequence, some are purely ceremonial, and some just deal with money. But when it comes to war, it is a matter of life and death. So I am sure every Member of the House of Representatives, regardless of their feelings about this war, has thought long and hard about what they are saying. Too many of these have taken this seriously because they understand that America is taking this very seriously.

We have lost over 3,100 of our best and bravest soldiers, men and women who have gone off to war with parents and loved ones crying, wondering if they will return safely. Unfortunately, they did not, some of them. There are some 23,000 or 24,000 who have returned with serious injuries. Some are minor, but some are very serious, such as amputations and blindness, traumatic brain injuries and many other injuries that will haunt these soldiers for a lifetime as they try to return to normal life.

We have spent a lot of money on this war, over $1 billion. As we labor with this new budget, we see the result of the decision to go to war. From the monetary side, it shortchanges America in terms of what we desperately need. Whether we are talking about additional medical research, help for education, money to schools that need a helping hand to make No Child Left Behind work, assistance for families to have health insurance and health protection, this war has been costly to America. For those who believe the money would have been better spent right here at home, that a strong America begins at home, there is a serious concern about when this war will end and what the ultimate cost will be. We have been through it as a Member of the House of Representatives and can recall the sleepless nights that led to votes on questions of war. You know that at the end of the day, if the decision to go forward on a war is made, people will die.

Mr. SANDERS. Mr. President, the issue of American presence in the Middle East is of great importance. We are currently engaged in a war in Iraq from which, according to poll after poll, a majority of the American people believe we should withdraw.

In the face of the momentous elections of this past November, in which the American electorate indicated their dissatisfaction with the President’s policies in Iraq, President Bush has responded with a call for more troops, not less. At this moment, he is indicating that we should be deploying our brave men and women out of harm’s way. He is sending these troops into the middle of a civil war.

The majority leader indicates that we will certainly be taking up the recommendations of the 9/11 Commission, to implement their recommendations, and we will have an open debate and the opportunity to offer amendments as to how we can bring our troops home with honor, how we can engage the international community, how we can move forward in the Middle East, how we need to do. But we first must stop the escalation of American troops, and that is the vote the other body will be having as early as tomorrow, and I hope, with the support of my colleagues, we can have that vote by Saturday. That is what we should do.

I urge my colleagues to allow us to have the debate on this floor and an up-or-down vote on the President’s plan to add additional American troops. We will not rise up on the procedural roadblocks. Let us start by having an up-or-down vote, as the other body will have, on whether we support or oppose the President’s plans to escalate American troops.

IRAQ

Mr. DURBIN. Mr. President, the issue of American presence in the Middle East is of great importance. We are currently engaged in a war in Iraq from which, according to poll after poll, a majority of the American people believe we should withdraw.

In the face of the momentous elections of this past November, in which the American electorate indicated their dissatisfaction with the President’s policies in Iraq, President Bush has responded with a call for more troops, not less. At this moment, he is indicating that we should be deploying our brave men and women out of harm’s way. He is sending these troops into the middle of a civil war.

Now there are reports that the President may be considering expanding this tragic war into Iran. The President has no constitutional authority to make war on Iran without congressional approval, nor has he historical precedent. I offer today a resolution “expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress.” The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress. The resolution sets forth the constitutional grant of authority to Congress for declaring war and funding any war, it cites Federalist Paper No. 69 on the intention of the drafters of the Constitution, and it cites Presidents Washington and Jefferson on the power reserved to Congress to authorize war.

The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress, the decision to go forward on a war is made, votes on questions of war. You know that at the end of the day, if the decision to go forward on a war is made, people will die. Many decisions we make on the floor of the House and Senate have little consequence, some are purely ceremon
In the last election, the American people were finally given a chance to speak about this war, and they said: We want a change. We don’t want this to continue. We don’t want to continue to lose these brave soldiers or continue to spend more and more money. They gave Congress which was given the charge of moving us in that new direction. For the first time in a long time, Democrats control both the House and the Senate. In the Senate, it is a very scant margin. On a good day, it is 51 to 49.

Those who know the Senate, know that important measures take 60 votes. In order to achieve passage, we need bipartisan cooperation. We need to reach across the aisle and find common ground. We have tried to do that. In some respects, we have been successful. We have passed bipartisan ethics reform to deal with some of the issues of integrity that have haunted this Chamber and the House of Representatives over the last several years. We have passed a minimum wage increase at the Federal level for the first time in 10 years. We have voted on long overdue. We even passed a spending bill to finish this fiscal year, to try to mop up some of the unfinished business from last year’s Congress, which left town with many appropriations bills unresolved.

The one issue we have not addressed in the Senate, the issue now being debated in the House of Representatives, is the war in Iraq. We feel—many of us on the Democratic side and some on the Republican side—that we should have this debate. We owe it to the American people. Members should stand up and state where they are, what their position is, and what they think we should do as a Nation. I know if this debate took place, it would be important not just for this institution but for the country to know we came here understanding our responsibility.

Two weeks ago, we offered to the Republican side of the aisle an opportunity to fully address the very fundamental question raised by the President’s new plan for Iraq. The President has proposed another 21,000 American soldiers in combat mode going into Iraq to join the 130,000 already there. We know that 21,000 combat soldiers would require at least the like number of support troops, so it is a substantial escalation of the war to add 42,000 or 44,000 American soldiers to the 130,000 already there. Many of us think it would be a serious mistake. The question whether escalating this war, sending more troops into harm’s way, is any way to bring it to an end.

We have tried it before unsuccessfully. Additional troops, as good as they are, do not create the same of a civil war. Unfortunately, we have learned that we suffer more casualties every time we send our brave soldiers and marines and airmen and sailors into this conflict. So we tried a 2 weeks ago to try to have a debate, to let Members stand and say whether they support the President’s escalation of the war or whether they oppose it.

Most Americans have an opinion. In fact, overwhelmingly they say it is a bad idea. When asked, they can give a yes or no as to whether they support the President’s escalation. We offered to the Republican side of the aisle not to debate the President’s proposal, just as the Senate has done, and brought it to a vote. We said we would stand by two separate Republican resolutions to be offered on the floor. One Republican resolution, sponsored by JOHN WARNER, Republican of Virginia, critical of the escalation of the war, was supported by most Democrats, including myself. The other, offered by Senator JOHN MCCAIN, a Republican of Arizona, supports the President’s position on the war.

I think it would have been a spirited debate, an important and historic debate, but the Republicans rejected that. They wanted more. They wanted more resolutions brought to the floor. They didn’t want us to focus on the very fundamental issue at hand. They didn’t want us to bring issues such as how we paid for the war, support for the troops, and so many things that were not at issue, were not what we were discussing. So we tried to keep the focus on the basic issue: Should we escalate the number of troops committed to this war?

We had what we call a cloture motion, which means closing down debate on a certain issue. A cloture motion would say we are going to move to the debate on the war. We called that cloture motion, and it failed. As I said, we don’t have 60 votes on this side of the aisle. We need help on the other side of the aisle. Only two Republican Senators said we will join you in calling for a debate on the Warner resolution and a debate on the McCain resolution. Two Republicans stepped forward. The rest said: No, we don’t want that debate.

Well, an odd thing happened. After that vote, many of the Senators had Senator’s remorse, I call it. It is a version of buyer’s remorse. They wished they had cast another vote. Within days, they started coming to the floor and saying, that isn’t what we meant to do... We didn’t want to say stop the debate on Iraq. We believe there should be debate on Iraq. Yes, they said, we voted to stop the debate on Iraq, but we didn’t mean to stop the debate on Iraq.

They were so transparent. They were twisted in knots. They started knots. They sent letters to the leadership. They had press conferences, and they talked to anyone in the hallway, saying they had made a mistake and they wanted to return to the issue. So we gave them that chance today. We gave them that chance. We said: Let us return to the issue, let us debate the issue the floor of the Senate as they have done in the House, and let us also add to that another Republican opportunity for the McCain amendment, which supports the President’s position. We would have, again, a basic vote on a fundamental issue, fair and square. What did the minority leader from Kentucky do? He objected. He didn’t want to engage in that debate. That is truly unfortunate. While the House of Representatives is deeply engaged in a debate of historic moment, important to us, this country and particularly to our men and women in uniform, unfortunately, the minority objected. They don’t want to engage in a straight up-or-down debate on the fundamental issue.

The American people, whatever their position on this issue, expect us to stand up and debate it and to say where we stand. We will find on Saturday how they will vote on a fundamental issue, fair and square. What did the minority leader from Kentucky do? He objected. He didn’t want to engage in that debate. That is truly unfortunate. While the House of Representatives is deeply engaged in a debate of historic moment, important to us, this country and particularly to our men and women in uniform, unfortunately, the minority objected. They don’t want to engage in a straight up-or-down debate on the fundamental issue.

The American people, whatever their position on this issue, expect us to stand up and debate it and to say where we stand. We will find on Saturday how
many of the Republican Senators answer the rollcall; how many come and how they vote.

We know that as inconvenient as it may be for these Senators to return on Saturday, as tough as it may be for many of them to get back, it can't be any tougher than the assignments we give to our soldiers and sailors and marines and airmen to put on the uniform of our United States of America and to defend our country and to risk their lives every day.

So I hope our colleagues will be with us on Saturday. I hope they will join us in moving forward on this debate.

I can recall the vote that led us into the war in Iraq as if it were yesterday. It was a time just weeks before an election. There was almost a feeling of hysteria across this country about the possibility of weapons of mass destruction in Iraq. Condoleezza Rice, who was then Security Adviser to the President, suggested the possibility of mushroom-shaped clouds. All sorts of fears were engendered in a population still very wary after 9/11. It was not an easy vote because there had been a buildup, this drumbeat of support for invasion. And the day came in October when it occurred to me that the majority of this chamber—23 of us who voted no, one from the State of Rhode Island on the Republican side and 22 Democrats voting no. At the time, it was not an easy vote. I look back on it now as one of the most important votes I ever cast.

There comes a time when Members of the Senate have to face responsibility and face a vote. There will come a time when the Republicans have to face a vote on Iraq. They cannot protect the President and the White House indefinitely and forever.

I had a great friend from the State of Oklahoma, a Congressman by the name of Mike Synar. I have told this story many times, and I mention his name because I don't want him to be forgotten. He passed away in 1996 from a brain tumor. But Mike was one of a kind. He just could not stand Members of the House of Representatives who were unwilling to face tough votes. He used to get up in our caucus over there and get the floor, and we knew what was coming when people were whining and complaining about facing a controversial vote or controversial debate. And he said:

If you don't want to fight fires don't be a firefighter. And if you don't want to cast tough votes don't run for Congress.

He was right. Whether you are on this side of the aisle or that side of the aisle, you better be prepared to face a tough vote and an important vote, and nothing is more important than a war, a war which has so many of our great soldiers with their lives on the line as we stand in the safety of this Capitol Building.

If any of my colleagues on the Republican side will reconsider their position, they cannot stop this debate. It is going to occur. It is occurring across America in family rooms, in offices, in stores, in restaurants. Everywhere you turn, in the streets, in the shopping centers, it is occurring. It is going to occur right here on the Senate floor. They cannot hold back the tide. It is building against them. That tide is going to wash them over and we are going to bring this issue to a debate on the floor. We owe it not only to the men and women in uniform, we owe it to the people who were kind enough to give us a chance to serve in the Senate.

I yield the floor and suggest the absence of a quorum. The PRESIDING OFFICER. (Mr. TESTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The quorum call having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION
We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to proceed to calendar No. 25, S. 574, a bill to express the sense of the Congress on Iraq, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION
We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 574, a bill to express the sense of Congress on Iraq.

Ben Nelson, Russell D. Feingold, Ben Cardin, Jim Bunning, Byron Dorgan, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, John Kerry, Ken Salazar, Jack Reed, Chuck Schumer, Jim Webb, Barbara Boxer, Dick Durbin, Tom Harkin, Jay Rockefeller, Harry Reid.

Mr. REID. I ask unanimous consent that the live quorum be waived.

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

Mr. REID. Mr. President, I announce that we will have the cloture vote on Saturday at 1:45 p.m. As I always said, I would keep the vote open if it appeared there was a chance that Senators were having in advance of the vote. I have heard from Senators on both sides of the aisle that there is no time that meets everyone's expectations. So what we would do to try to handle as many people as possible, we will start the vote at 1:35, and we will act as if it starts at 2 o'clock and terminate the vote at 2:20. I hope that meets with everyone's problems as far as transportation and getting to and from here.

So on Saturday, because I think these are extraordinary circumstances, we will make sure that as many people are protected as possible.

EXPRESSING THE SENSE OF THE CONGRESS ON IRAQ—MOTION TO PROCEED

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HONORING PRESIDENT GERALD R. FORD

Mr. DURBIN. Mr. President, like his hero, Abraham Lincoln, Gerald Ford helped heal our Nation. His calm leadership and fundamental decency helped hold our Nation together at a time when the forces of war and scandal threatened to tear it apart.

When he took the oath of office on August 9, 1974, President Ford declared, "This is an hour of history that troubles our minds and hurts our hearts." During his Presidency he worked to ease our minds, comfort our hearts, and restore our faith in our government.

In his first official remarks as President, Gerald Ford promised America:

"In all my public and private acts as your president, I expect to follow my instincts of openness and candor with full confidence that honesty is always the best policy at home and abroad."

Those were not just words to Gerald Ford, as he proved on October 17, 1974, when he appeared voluntarily before Congress to give sworn testimony—the only time a sitting President has done so after his pardon of Richard Nixon.

Gerald Ford believed that pardoning Richard Nixon was the only way to end the long national nightmare of Watergate. He also believed that it might end his political career. And he did pay a high price at the time in lost public approval and public trust.

Over time, however, many people came to see the Nixon pardon not as an act of collusion, but of courage and conciliation. In 2001, the Kennedy Library Foundation awarded President Ford its John F. Kennedy Profile in Courage Award.

Gerald Ford believed in hard work and duty to one's country. At the University of Michigan, he washed dishes at his fraternity house to earn money for college expenses. After graduating in the top quarter of his class from Yale Law School, he returned home to Grand Rapids, MI, to practice law—but President Ford was also like so many young men of his generation, Gerald Ford put his life on hold. He enlisted in the Navy and spent the next 4 years in the service.

After the war, Gerald Ford decided to run for Congress and was supported by Michigan's legendary Senator Arthur Vandenburg, one of the architect's of American internationalism. His experience in World War II and his friendship with Senator Vandenberg helped turn him away from isolationism.

As President, he described himself as "a moderate in domestic affairs, a conservative in fiscal affairs, and a dyed-in-the-wool internationalist in foreign affairs." In the 2½ years of his Presidency, he ended America's involvement in the war in Vietnam. He helped mediate a cease-fire agreement between Israel and Egypt, signed the Helsinki human rights convention with the Soviet Union and traveled to Vladivostok to sign an arms limitation agreement with Leonid Brezhnev, the Soviet President.
But what earned Gerald Ford the respect and gratitude of our Nation was not only what he accomplished but how he accomplished those things. He was a master of consensus-building, cooperation, and honorable compromise.

It is notable that one of the first calls Ford received after becoming Vice President was to his old golfing buddy, Ttip O’Neill. He set a standard for bipartisanship that we would all do well to follow.

He was a good and honorable man who served this Nation well. He will be missed.

HONORING OUR ARMED FORCES

Mr. NELSON of Nebraska. Mr. President, I rise today in honor of Sgt Randy J. Matheny, 20, of McCook, NE.

Sergeant Matheny followed in the footsteps of his older siblings when he joined the Nebraska Army National Guard on March 28, 2005, as a heavy vehicle driver in Detachment 1, 1057th Transportation Company in Scottshiff. His older sister, SSG Karen Matheny, is a full-time member of the Nebraska Army National Guard's HHD, 734th Transportation Battalion in Kearney. His older brother, an active-duty soldier with the U.S. Army, Both of Sergeant Matheny’s siblings are serving in Iraq; his sister is currently serving her second tour, and his brother is preparing to deploy for his first.

Sergeant Matheny graduated from my alma mater, McCook Senior High School, in 2004. His teachers and friends knew him as a well-known, soft-spoken student. In his free time, he enjoyed riding his motorcycle and spending time with his friends. After joining the Nebraska Army National Guard in 2005, he attended basic training at Fort Jackson, SC, and then advanced individual training at Fort Leonard Wood, MO, in 2006.

In June 2006, he transferred as a heavy vehicle driver to the Nebraska Army National Guard Detachment 3, 1074th Transportation Company based in Sidney. Sergeant Matheny was mobilized for duty in support of Operation Iraqi Freedom on July 15, 2006. The 1074th Transportation Company is responsible for providing security for transportation missions throughout Iraq. After 3 years of social work at the Minnesota Veteran’s Administration in Saint Paul, Dr. Brown heeded the call to serve his country and enrolled in the Army Air Force, where he served in special services as an information education officer, and trained at various bases including with the Tuskegee Airmen in Tuskegee, AL. After the war, on the GI bill, Dr. Brown began his graduate studies, first at Columbia University and then at City College.

After 3 years of social work at the Veterans’ Administration in Newark, NJ, Dr. Brown became the first African American professor at Rutgers, the State University of New Jersey. During his 41 years as a professor at Rutgers, Dr. Brown mentored and inspired countless students and future social workers. He has lived his life by a verse he often quotes from Thanatopsis by William Cullen Bryant: “So live, that when thy summons comes to join the innumerable caravan that went to sway to the silent halls of death, thou go not like a quarry-slave at night, scourged to his dungeon, but winged on the spanish galleon of unremitting duty, an exemplar man: a fine doctor, a thoughtful son and brother, a loving husband, and a caring father.

To Brian’s wife Jane and his son Wyatt, I cannot imagine the sorrow and loss you are feeling, and I hope that in time your grief can be salved by your pride in the way Brian lived his life. Brian served his Nation with honor and distinction and improved the lives of countless soldiers and those with whom he interacted every day.

BLACK HISTORY MONTH

DR. WILLIAM NEAL BROWN

Mr. LAUTENBERG. Mr. President, I rise today to join with Senator ROBERT MENENDEZ and our House colleague Congressman DONALD PAYNE in honoring Dr. William Neal Brown, a distinguished and inspiring figure in African-American history. In recognition of Black History Month, we gathered with residents of New Jersey to pay tribute to Dr. Brown on Saturday, February 10, 2007 at the Newark Museum in Newark, NJ during “A Salute to Heirs” event.

Dr. Brown was born in Warrenton, GA, on February 24, 1919. His father was an ex-slave and his mother was Native American. He grew up in Allquippa, PA, where his father labored as a carpenter and steel mill worker. His love of learning and inspiration to educate others began at an early age, when he and six of his classmates dreamed of becoming teachers. After graduating with honors from high school, Dr. Brown went to work in the Civilian Conservation Corps, CCC, President Franklin Delano Roosevelt’s public works program that put over 3 million young men and adults to work during the Great Depression. It was there that he was introduced to the Hampton Institute, where he would enroll as a work-study student and proceed to graduate with a bachelor of science in 1941.

Dr. Brown needed the call to serve his country and enrolled in the Army Air Force, where he served in special services as an information education officer, and trained at various bases including with the Tuskegee Airmen in Tuskegee, AL. After the war, on the GI bill, Dr. Brown began his graduate studies, first at Columbia University and then at City College.

After 3 years of social work at the Veterans Administration in Newark, NJ, Dr. Brown became the first African American professor at Rutgers, the State University of New Jersey. During his 41 years as a professor at Rutgers, Dr. Brown mentored and inspired countless students and future social workers. He has lived his life by a verse he often quotes from Thanatopsis by William Cullen Bryant: “So live, that when thy summons comes to join the innumerable caravan that went to sway to the silent halls of death, thou go not like a quarry-slave at night, scourged to his dungeon, but winged on the spanish galleon of unremitting duty, an exemplar man: a fine doctor, a thoughtful son and brother, a loving husband, and a caring father.
Mr. President, there is no doubt that Dr. William Neal Brown is an exemplary and committed leader and a true role model for our State and the entire country. I am pleased to pay tribute to him today, and I know my colleagues will join me in wishing him continued success.

DeNorval Unthank

Mr. SMITH. Mr. President, each Congress I rise to honor February as Black History Month. Each February since 1926, the Advisory Council, an organization Dr. Unthank made himself available to Portland, OR, after completing medical degrees, and Harvard University, where he became the second Black to receive a doctorate in medicine. It is important to honor the legacy of Dr. Woodson and other African-American pioneers who led the advancement of African Americans in a nation once lacking in humanity towards them. In the spirit of honoring those legacies, I pay homage to two women, trained by my home State of Michigan, who played pivotal roles in the struggle for civil rights and human rights. Sojourner Truth and Rosa Parks will become the first African-American women to be represented in this place of honor of notable people of History.

February 15, 2007

Throughout the 1930s, Dr. Unthank was Portland’s only Black medical practitioner. He was a dedicated doctor and a friend to any minority group in the city. Black families could not receive treatment in hospitals at that time, and Blacks were prevented from voting. Dr. Unthank made himself available day and night and served African Americans, Asians, as well as many Whites.

Dr. Unthank was politically active and was outspoken in his support of civil rights and equal opportunity. In 1940, Dr. Unthank was elected head of the Advisory Council, an organization that hoped to pressure local leaders into providing equal access to economic opportunities related to WWW jobs. The Council documented incidents of discrimination in the workplace around Portland.

During and after World War II, Dr. Unthank worked tirelessly to build his medical practice and promote civil rights. He became the first Black member of Portland’s City Club in 1943. He encouraged the club to publish a significant story called “The Negro in Portland,” which opened the eyes of many citizens to ongoing discriminatory practices. Dr. Unthank also served as president of the local chapter of the NAACP and was a cofounder of the Portland Urban League. Dr. Unthank played a strong role in the passing of Oregon’s 1953 civil rights bill, which among many issues, overturned a law banning interracial marriages in the State.

In 1958, the Oregon Medical Society named him Doctor of the Year. In recognition of his service to civil rights, grateful citizens pressed the city to dedicate DeNorval Unthank Park in North Portland in his honor in 1969. Dr. Unthank is only one example of the Black men and women who have a few more doors closed to him and he may find them a little harder to open, but he can open them. He must keep trying.

In an article written for Johnson’s Publications, Lerone Bennett tells us that one of the most inspiring and instructive stories in African-American history is the story of Woodson’s struggle and rise from the coal mines of West Virginia to the summit of academic achievement: “At 17, the young man who was called by history to revolutionize coal and an old coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two years at coal mining [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor’s and master’s degrees. At Harvard University, where he became the second Black to receive a doctorate in history, The rest is history—Black history.”
at her funeral in Detroit, MI. Just a few days earlier, Rosa Parks became the first woman in the history of the United States to lie in honor in the Capitol Rotunda. And, a few years earlier on June 15, 1999, Rosa Parks was presented with the highest honor of Congress, the Congressional Gold Medal. The actions of Rosa Parks merit such honor, as her silent resistance to the humiliation and demoralization of racial segregation sparked the civil rights movement. Over 51 years ago in Montgomery, AL, she refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman and her act of peaceful rebellion captured the conscience of the American people and the world. For Rosa Parks, this was but a small part of a lifetime of struggle for equality and justice. In fact, 12 years earlier, Rosa Parks had been arrested for violating another segregation law, which required African Americans to pay their fares at the front of the bus, then exit and reenter at the rear door. The driver of that bus was the same driver that would order Rosa Parks to the back of the bus in December of 1955.

The boycott of the bus system in Montgomery was a direct result of Rosa Parks’ actions, which sparked a movement that called attention to the plight of African Americans nationwide and introduced the world to the civil rights movement and its young leader, who would go on to have a national holiday declared in his honor, Rev. Martin Luther King Jr.

Mr. President, we have come a long way toward achieving justice and equality for all. But we still have work to do. We must re dedicate ourselves to continuing the struggle for civil rights and human rights.

DEALERS MUST BE HELD ACCOUNTABLE

Mr. LEVIN. Mr. President, the demand for firearms by criminals and other prohibited purchasers is high. Unfortunately, there are also some dealers willing to supply those firearms. The simple fact is that criminals would not be able to so readily acquire weapons without gun dealers who are willing to bypass gun sales laws. This willingness by some licensed gun dealers to supply guns to criminals with firearms provides a steady flow of guns into the illegal market.

Multiple sales of the same model of gun to an individual are considered by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to be a red flag for the possibility of gun trafficking, and reports of multiple sales to the ATF by responsible gun dealers provide a significant percentage of leads for gun trafficking investigations. According to ATF reports, handguns sold as part of multiple sales comprised nearly a quarter of all guns sold in 1999 that were traced to crime that same year. Moreover, guns with obliterated serial numbers, a clear sign of trafficking, are most likely to have been part of a multiple sale. Dealers are responsible for the products they sell, and they must be held accountable to inquire about the purpose the buyer declares for purchasing a handgun. Dealers are required to report only a single handgun per day to the ATF. By encouraging purchasers to stagger their purchases every 6 days, a dealer would be able to circumvent reporting potential trafficking to law enforcement.

Using in-store accomplices to fill out the required paperwork is also a common method gun traffickers employ. The most obvious sign of this occurs when the person who fills out the Federal purchasing forms is not the person looking at, handling, or selecting the gun to be purchased or paying for the weapon. Even if the purchaser is buying only a single handgun, this type of sale should not be permitted by a licensed gun dealer.

These types of illegal transactions likely occur even in some licensed gun dealerships across the country. We must make it harder for criminals to get guns to decrease the number of gun violence victims. Those gun dealers who willingly aid gun traffickers must be held accountable for their actions.

NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

Mr. AKAKA. Mr. President, this week we commemorate National Salute to Hospitalized Veterans Week. In recent years, more than 10 million letters and cards, and thousands of personal visits have warmed the hearts of hospitalized veterans during National Salute to Hospitalized Veterans Week. This wonderful outpouring of gratitude has reached across the VA health care system’s 155 hospitals, their 130-plus nursing homes, and 45 domiciliaries—which comprise the Nation’s largest integrated health care system.

Mr. Hatch. Mr. President, I rise today to honor and pay tribute to the many heroes who have emerged out of a horrific tragedy that took place in my home State this week.

On Monday evening, February 12th, a lone gunman entered Trolley Square, a bustling shopping, dining, and entertainment plaza located in Salt Lake City, Utah, and killed several people. He randomly shot and killed five people and wounded four others—leaving a path of destruction and a community in utter shock and grief.

Those who lost their lives that evening included: Tessie Rams and her friend Brad Frantz; Kirsten Hinckley, a 15-year-old sophomore at Brighton High School; Vanessa Quinn who was meeting her husband at Trolley Square to shop for a long-awaited wedding ring; and Jeffery Walker, a Utah marketing director.

In the ensuing minutes, shoppers scrambled for cover and feared for their lives. Shop owners corralled customers...
and helped them take refuge in closets, backrooms, and hidden cubby holes. Frantic 9-1-1 calls were placed by many and within minutes courageous police officers had contained the suspect.

As the story unfolded, one hero stood out in heroic character. Ogden police officer Kenneth Hammond was at Trolley Square having a pre-Valentines Day dinner with his pregnant wife, Sarita. As they were finishing their meal, the Hammonds heard popping noises and looked over the mall balcony to see bodies laying below.

Officer Hammond sent his wife back to call the police and lockdown the restaurant. Shouting his name to let customers know he was an off-duty police officer, and not a second gunman, he made his way to the bottom level. He engaged the shooter in a gun battle hoping to distract him from killing any other innocent people. Running out of ammunition, he was soon joined by a Salt Lake City Police Chief Chris Burbank described Officer Hammond’s quick action and courage this way: “Going in and engaging a subject who was armed and prepared to engage him, without having the benefits of a uniform, extra equipment or magazines for his firearms, is truly heroic.”

In addition to Officer Hammond, I would like to take this opportunity to recognize the many, many other police officers from various law enforcement agencies who responded to the calls for help. Precisely and courageously these officers went about their duties evacuating the premises, getting immediate help for hurt victims, comforting the grief-stricken shoppers, and containing the crime scene. I want to commend the rapid response of law enforcement agencies who worked together on a crime scene of this magnitude. I am proud of all of the officers who rendered such important service. It is hard to understand why something this horrific happens in life. But in this time of our deepest sorrow, it has been comforting to witness so many wonderful Utahns who have stepped up to lighten the burdens of those involved.

Neighbors in the vicinity of Trolley Square opened their homes to shell-shocked shoppers that night as a refuge to wait for further instructions. Total strangers comforted those leaving the mall who desperately needed a strong shoulder to lean on, and grief counseling services are being made available to those impacted by this tragedy. As neighbors and fellow Utahns, it is our desire to comfort those suffering.

My home State has suffered a tragedy of incomprehensible magnitude. The actions of one determined to kill will have an impact on many of our wonderful citizens for years to come. As difficult as this has been and will continue to be, the examples of selfless service and heroic acts will never be forgotten.

I have been deeply touched by so many who truly made a difference in the aftermath of this tragedy. Elaine and I pray that our Heavenly Father’s peace will comfort the family members and friends of the victims, as well as all who have been forever touched by this tragedy.

REMEMBERING JUDGE THOMAS E. FAIRCHILD

Mr. FEINGOLD. Mr. President, today I honor the memory of one of the great jurists in the history of my State and someone I was honored to call a friend and mentor: Judge Thomas Fairchild. Judge Fairchild earned the respect of all who knew him for his keen mind, his kind manner, and his humility. His long and distinguished career in public service included serving as Wisconsin’s attorney general, as a State supreme court justice, and as Federal appeals court judge on the Seventh U.S. Circuit Court of Appeals, where he rose to become chief judge. He held that position from 1975 to 1981 when he became a senior judge on the appeals court.

Judge Fairchild stood for justice and equality in his work on the bench, and his work in politics as he made a courageous run for Senate against Joe McCarthy in 1952. Through that and other efforts, he played a critical role in efforts to revitalize the State’s Democratic Party.

Judge Fairchild was a brilliant legal mind and a man of exceptional character. He was also an exceptionally special person in my family and a great friend of my father’s. As is the case with anyone who has known me for more than 40 years, he called me Ryan. Whenever my father, Leon Feingold, or my mother, Sylvia Feingold, referred to Judge Fairchild, it was always with reverence. Some of the biggest decisions of his career were made, at least in part, in our living room. I have always been deeply proud of that fact.

The Thomas E. Fairchild lecture at University of Wisconsin Law School, established in 1988 as a tribute to Judge Fairchild, is just one reflection of his tremendous stature in Wisconsin. When I delivered the Fairchild lecture in 2005, with Judge Fairchild listening in the audience, it was a great honor for me, and a wonderful experience. I was proud to honor the passing of Judge Fairchild, for the loss this means for his family, and for all those who knew him. He was one of our State’s great legal minds, and one of our most dedicated public servants. I feel fortunate to have known him, and so grateful for the many things he taught me and the many kindnesses he showed me over the years. The work he did, and the life he lived, will continue to enrich Wisconsin and the Nation for many years to come.

ADDITIONAL STATEMENTS

SPAY DAY 2007

• Mr. ALLARD. Mr. President, as a veterinarian, I often have animal issues called to my attention by people who—rightly—assume that my background gives me a deeper appreciation of the matter. One such animal issue that goes largely unnoticed is the problem of homeless cats in urban areas. There are an estimated 125,000 such cats in the Denver metro area that never make it to a shelter. These cats, unowned and unsocialized, continue to breed and suffer in feral colonies.

I am pleased to recognize today Spay Day USA, an event designed to manage feral cat colonies through spaying and neutering. On February 26, the Rocky Mountain Alley Cat Alliance is cohosting Spay a Strand Day with the Cat Care Society and the Dumb Friends League. A host of veterinarians and other volunteers to spay and neuter 120 cats that day, thus preventing the births of hundreds of unwanted kittens.

The Rocky Mountain Alley Cat Alliance was founded in 1991. They work with volunteers, veterinarians, and citizens to prevent feral and stray kittens from being born on the street and to improve the lives of those already born and abandoned. They are the only local organization that specializes in nonlethal population control and hands on assistance with feral and stray cats. Last year, the alliance spayed or neutered over 2,000 feral and stray cats, preventing an estimated 50,000 homeless kittens from being born. They treat injuries and illnesses wherever they find feral and abandoned cats and kittens. Unmanaged feral cat colonies experience the worst forms of suffering, yet they are the most underserved segment of companion animal overpopulation.

I am grateful for the alliance’s contributions to our society and the good they will do on the 26th with their partners. I wish them continued success.
CONGRATULATING KING’S DAUGHTERS HEART AND VASCULAR CENTER

Mr. BUNNING. Mr. President, today I congratulate King’s Daughters Medical Center, KDMC, of Ashland, Ky. KDMC was recently selected as an award winner in the 2006 Solucient 100 Top Hospitals: Cardiovascular Benchmarks for Success Study, 8th Edition. Solucient developed the 100 Top Cardiovascular Hospitals study to identify hospitals that are the highest performers in the Nation in cardiovascular service, and to set performance targets for improving clinical outcomes and management practices. To qualify, hospitals must achieve high scores across eight equally weighted performance criteria that reflect clinical processes and outcomes, volume, efficiency and cost for four treatment areas: acute myocardial infarction, congestive heart failure, coronary artery bypass graft and percutaneous coronary intervention.

In addition to this prestigious award, KDMC also received a five-star rating for cardiothoracic surgery. This placed KDMC in the top 5 percent in the Nation and No. 1 in Kentucky for cardiac surgery.

I congratulate KDMC on this outstanding achievement. Their service to the citizens of the Commonwealth of Kentucky is an inspiration to all. I look forward to all that KDMC accomplishes in the future.

RECOGNIZING SAVE THE CHILDREN USA

Mr. BUNNING. Mr. President, today I recognize Save the Children USA’s 75th anniversary. I am proud to say that Save the Children work began in the Commonwealth of Kentucky. Today, Save the Children continues to work in 33 different sites in Kentucky rural communities, serving approximately 3,000 children in need.

This program was founded on January 7, 1932, in response to the needs of children and families struggling to survive the Great Depression in the Appalachian mountain region of Harlan County, KY. In 1938 Save the Children launched a Hot School Lunch program for undernourished children in nine States. Later it became one of the models for the national school lunch program.

Today, the organization’s U.S. programs concentrate on literacy and nutrition programs benefiting over 20,000 children in areas of constant rural poverty. Internationally, Save the Children works in more than 50 developing countries helping children by providing food, medical services and shelter to those in need.

Once again I congratulate Save the Children USA on their 75th anniversary. I am very proud of the dedication of Save the Children to this worthy cause and their hard work is greatly affecting the lives of many people. Everyone involved in this organization is truly an inspiration to all.

TRIBUTE TO CAPTAIN EDUARDO REYES

Mrs. DOLE. Mr. President, today I wish to honor CPT Eduardo Reyes, a retired pilot who flew for Philippine Airlines.

On December 11, 1994, Captain Reyes was piloting Philippine Airlines flight 434, from Manila to Tokyo, when a bomb planted by now-convicted terrorist Ramzi Yousef was detonated on board the aircraft. The blast immediately killed 1 Japanese businessman and injured 10 others. It also caused the plane’s controls to stop functioning normally, putting the lives of everybody aboard the plane at risk.

In this most trying of situations, Captain Reyes and his crew rose to the challenge. Controlling the altitude of the plane via the throttle—which I understand is the most difficult thing to do—Captain Reyes kept the plane in the air for nearly an hour before making an emergency landing in Okinawa.

His courageous actions and outstanding skill as a pilot helped avert a great disaster and save the lives of 272 passengers and 20 crew members.

Captain Reyes later had the courage to testify on behalf of the United States against al-Qa’ida master bomber Ramzi Yousef. In 1994, Yousef was working on a master plan, often called the Bojinka Plot, to bomb 12 U.S. passenger jets over the Pacific Ocean in a 2-day period, killing over 4000 civilians.

The bombing of Captain Reyes’ plane was a test run for that plan. And, as many here remember, Yousef was also responsible for the bombing of the World Trade Center in 1993. Captain Reyes’ testimony at Ramzi Yousef’s 1996 trial helped to put one of the world’s most dangerous terrorists in prison for life.

For his valor and clear thinking on December 11, 1994, and for his contribution to the fight against terrorism by testifying against Ramzi Yousef, I would like to commend Captain Reyes. The United States and countries throughout the world are indebted to him for these brave actions.

HONORING ANTONIO PIERRO

Mr. KERRY. Mr. President, last week our country and the State of Massachusetts lost a favorite son. Antonio Pierro passed away last week at the age of 110. Today would have been his 111th birthday.

The Guinness World Records has said that Pierro was America’s oldest war veteran, having served in World War I, and the oldest American man in his records. Only seven veterans of WWI and 20 veterans of WW II are still known to be alive.

Pierro was born in Italy in 1896 and lived through the occupation of his country. He immigrated to the United States in 1914. Only 3 short years later, he was drafted into the Army and sent to France to fight in WW I. Pierro was given the opportunity to fight for the Italians, an ally of the United States, but instead chose to fight for his new homeland.

Once his service was completed he followed his father and brothers back to Lynn, MA and the rest of his life as a resident of the Bay State. His love for America was evident to all of those he met. His nephew, Richard Pierro said, “When he left Italy, he left for good. This was the first thing he wanted to do—to go back, even if you offered him free passage.”

Pierro worked at a shoe plant, managed a body shop and eventually spent 17 years at General Electric in Lynn until his retirement, 66 years ago, in 1961. His family attributes his longevity to his strict adherence to three square meals a day and lots of sleep. Pierro lived by simple rules of life and remained dedicated to leading a simple, useful life until the day he passed.

His is remembered as having a “twinkle in his eye” and a gratitude for all that life had offered him. He lived in three different centuries, and he lived well.

I ask that we remember him today as a veteran, a true American, and a testament to life’s many gifts and surprises. Our country is honored by his service but also thankful for the lessons his life offers about patriotism, family, and the simple pleasures of life.

CONGRATULATING THE MISS SELMA’S SHOOTERS

Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor the sixth grade girls’ basketball team of Miss Selma’s school in Little Rock, AR, for finishing in first place of the regular basketball season.

This is a team that is comprised of eight basketball players who have played together since the third grade. The dedicated members are: Tam Anderson, Elizabeth Campbell, Cassidy Johnson, Paige Logsdon, Audrey Peters, Laura Russell, Gracie Sloan, and Peyton Watts.

While all the teams in the league are worthy of mention, the regular season came down to one game, a match-up with the Little Rock Christian team. Little Rock Christian has a great team. In fact, the Little Rock Christian team has a dynasty and they had never been beaten in 16 years of play and had won all 70 games they had ever played. The game showcased great athleticism displayed by both teams. The battle was intense for the duration of the contest. The difference in the game was decided by the three free throws made in the last few seconds, which gave a 16 to 15 victory to the Miss Selma’s Shooters. It was a classic and will be remembered for many years by all that witnessed it and both teams deserve credit for the manner and intensity for which they competed.

I would like my colleagues to join me in congratulating the Miss Selma’s
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Shooters sixth grade girls’ basketball team for winning the regular season. But most of all please join me in thanking them for the way in which they show appreciation to the game and to all teams that they play.

TRIBUTE TO KATHERINE FORT

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that I honor Katherine Fort who recently retired after 52 years of service as treasurer for the City of Warren, AR. She is an amazing woman who is still quite active at the age of 91.

Mrs. Fort took office on January 1, 1955, and officially retired on December 31, 2006, with uninterrupted service to the city of Warren. She served under seven mayors during her tenure and was an incredible asset to the people of Bradley County.

When Mrs. Fort began her service, she operated with an annual budget of $135,000 and had one account. At the time of her retirement, she was responsible for an annual operating budget of $7 million and had 37 accounts under her jurisdiction. And one amazing fact I would like to add, she handled all this without any support staff or assistants in her entire 52 years as city treasurer. I would like my colleagues to join me in congratulating Mrs. Fort on this well-deserved retirement. But most of all, please join me in thanking Katherine Fort for her dedicated service to the city of Warren and to the State of Arkansas.

BICENTENNIAL OF ST. MARTIN PARISH

• Mr. VITTER. Mr. President, today I wish to acknowledge the bicentennial of St. Martin Parish. As one of the original 19 parishes created from the Territory of Orleans, St. Martin will celebrate its 200th anniversary in 2007.

St. Martin Parish was initially established in 1756 by the French Government as the “Postes des Attakapas.” It was originally the site of an Indian trading post and was later turned into a Spanish military-administrative center. In 1807, when the Territory of Orleans was divided into the original 19 parishes, St. Martin Parish was the last to be created. The parish at that time included the present parishes of St. Martin, St. Mary, Lafayette, Vermilion, and Iberia.

The structure of St. Martin Parish has remained virtually unchanged since 1868. It is divided by an arm of Iberia Parish into the upper and lower portions of the parish. The upper portion consists of the communities of St. Martinville, Breaux Bridge, Parks, Henderson, and a portion of Arnaudville. The lower portion borders the East Atchafalaya Basin Levee and consists of the unincorporated areas of Ste. Genevieve and the St. Mary River. A population rich in diversity and cultural theory calls St. Martin Parish home. In the late 1700s, 3,000 French Canadians fled British persecution, finding refuge in south Louisiana. The birth of Acadiana can be attributed to the settling of 200 of these refugees in present day St. Martinville in 1765. There, the Acadians were introduced to enslaved Africans tending cattle for French landowners.

Refugees fleeing the French Revolution as well as Spanish-speaking Malagans also arrived in the settlement. Creole families from New Orleans took advantage of the fertile lands. Americans soon followed. German wheat farmers trying to find a place in the rice industry, along with Italian merchants and Irish workers building the railroads began to call St. Martin Parish home in the 1860s. These founding cultures, French, Acadian, African, Italian, and Spanish, have maintained their cultural identities while simultaneously blending together to form one culture that is uniquely St. Martin Parish.

St. Martin Parish encompasses the copious and picturesque regions that extend from the Bayou Teche to the Atchafalaya Basin. An agriculturally prosperous area, St. Martin Parish is comprised of sugar cane fields, low-lying swamps, and majestic waterways. Regal oak trees draped with moss frame passageways throughout the parish. With its distinctive cultures and striking scenery, St. Martin Parish has come to embody the definition of the Louisiana way of life.

Today, I would like to applaud the good people of St. Martin Parish on the bicentennial and wish them continued prosperity.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer read a Senate resolution from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 20. Joint resolution making further continuing appropriations for fiscal year 2007, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to H. Res. 159, resolving that the House has heard with profound sorrow of the death of the Honorable Charlie Norwood, a Representative from the State of Georgia.

At 1:53 p.m., a message from the House of Representatives, delivered by Ms. Nilland, one of its reading clerks, announced that the House has agreed to H. Res. 160, resolving that the Senate be informed that Lorraine C. Miller, a citizen of the State of Texas, has been elected Clerk of the House of Representatives of the One Hundred Tenth Congress.

MEASURES READ THE FIRST TIME

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–749. A communication from the Under Secretary of Defense for Acquisition, transmitting, pursuant to law, a quarterly report entitled “Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account”; to the Committee on Armed Services.

EC–750. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board’s semianual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–751. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “Accuracy of Advertising and Notice of Insured Status” (RIN3138–AD18) received on February 14, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–752. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Plans and Operating Permit Program; State of Missouri” (FRL No. 8276–8) received on February 15, 2007; to the Committee on Environment and Public Works.

EC–753. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Plans; New York; Motor Vehicle Enhanced Inspection and Maintenance Program” (FRL No. 8253–11) received on February 15, 2007; to the Committee on Environment and Public Works.

EC–754. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,
pursuant to law, the report of a rule entitled “Control of Hazardous Air Pollutants from Mobile Sources” ((RIN2080–AK70)(FRL No. 8278–14)) received on February 15, 2007, to the Committee on Environment and Public Works.

EC–755. A communication from the Secretary of Energy transmitting, pursuant to law, a report relative to the Department’s competitive sourcing efforts during fiscal year 2007; to the Committee on Energy and Natural Resources.


REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment: S. 202. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, (Rept. No. 110–6).


S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements (Rept. No. 110–8).


S. 241. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaboration on land inside and outside of units of the National Park System (Rept. No. 110–10).

S. 245. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes (Rept. No. 110–11).

S. 255. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes (Rept. No. 110–12).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment: S. 260. A bill to establish the Fort Stanton-Snowy River Cave National Conservation Area (Rept. No. 110–13).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment: S. 262. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, who was instrumental in the establishment of this National Conservation Area, and for other purposes (Rept. No. 110–14).

S. 263. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes (Rept. No. 110–15).

S. 277. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes (Rept. No. 110–16).


S. 330. A bill to provide for the protection of palynological resources on Federal lands, and for other purposes (Rept. No. 110–18).


By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 41. A resolution honoring the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers.

S. Res. 47. A resolution honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers.

S. Res. 49. A resolution recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State.

S. Res. 69. A resolution recognizing the African-American spiritual as a national treasure.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 184. A bill to provide improved rail and surface transportation security.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary:

Dabeney Langhorne Friedrich, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2009, to which position she was appointed during the last recess of the Senate.

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2013, to which position she was appointed during the last recess of the Senate.

By Mr. VITTER:

S. 607. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, and Mr. OBAMA):

S. 608. A bill to improve the allocation of grants through the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 609. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 610. A bill to clarify the effective date of the modification of treatment for retirement purposes of pay periods before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans’ Affairs.

By Mr. MURRAY:

S. 611. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. MIKULSKI, Mrs. BOXER, and Mrs. MURRAY):

S. 612. A bill to improve the health of women through the establishment of Offices of Women’s Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BROWN):

S. 613. A bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself, Mr. BROWN, Mr. CASEY, Ms. KLOBUCHAR, Mr. MCCAIN, Mr. WHITEHOUSE, Mrs. BOXER, and Mr. NELSON of Nebraska):

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 602. A bill to develop the next generation of parental control technology; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 603. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, and Mrs. LINCOLN):

S. 604. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. BROWN, Mr. KENNEDY, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. LINCOLN, Ms. MIKULSKI, and Mrs. MURRAY):

S. 605. A bill to amend the Public Health Service Act to promote and improve the allied health professions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mrs. CLINTON, Mr. CONRAD, Mr. DURBIN, Mrs. Feinstein, Mr. Harkin, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Menendez, Ms. Mikulski, Mr. Nelson of Florida, Mr. Obama, Mr. Pryor, Mr. Reid, and Mr. Wyden):

S. 606. A bill to improve Federal communications programs by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal communication personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 607. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, and Mr. OBAMA):

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By Ms. SNOWE (for herself, Ms. MIKULSKI, Mrs. BOXER, and Mrs. MURRAY):

S. 612. A bill to improve the health of women through the establishment of Offices of Women’s Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BROWN):

S. 613. A bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself, Mr. BROWN, Mr. CASEY, Ms. KLOBUCHAR, Mr. MCCAIN, Mr. WHITEHOUSE, Mrs. BOXER, and Mr. NELSON of Nebraska):
S. 614. A bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BROWNACK, Mr. MENENDEZ, Mr. PETERS, Mr. KENNEDY, Mr. DODD, Mr. LIEBERMAN, Mr. FRINGOLD, and Mr. COLEMAN);

S. 615. A bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished on the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. BURR);

S. 616. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH;

S. 617. A bill to make the National Parks and Federal Lands Highways program of the Federal Highway Administration available at a discount to certain veterans; to the Committee on Energy and Natural Resources.

By Mr. LEATHY (for himself, Mr. SPECTER, Mr. LOTT, Mr. Reid, and Ms. LANDREI);

S. 618. A bill to further competition in the insurance industry; to the Committee on the Judiciary.

By Mr. VITTER;

S. 619. A bill to prevent congressional reappropriation of unobligated balances; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD (for himself and Ms. HAGEL);

S. 620. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. LIEBERMAN, and Mr. INOUYE);

S. 621. A bill to establish commissions to review the facts and circumstances surrounding cases suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. ENZI, Mr. FEINGOLD, Mr. THOMAS, Mr. DORGAN, Mr. BAUCUS, and Mrs. McCASKEY);

S. 622. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. VITTI, Ms. COLLINS, Mr. LEATHY, and Ms. STABENOW);

S. 623. A bill to extend the Public Health Service Act to provide for the licensing of comparable and interchangeable biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mrs. HUTCHISON);

S. 624. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. CORWIN, Mr. HARKIN, Mr. McCAIN, Mr. LUGAR, Mr. DODD, Mr. SMITH, Mr. REID, Ms. SNOWE, Mr. LAUTENBERG, Ms. MURkowski, Mr. BINGAMAN, Ms. COLLINS, Ms. MIKULSKI, Mr. STEVENS, Mrs. MURRAY, Mr. DOMENICI, Mrs. CLINTON, Mr. COCHRAN, Mr. FEINSTEIN, Mr. LEATHY, Mr. ORRIN, Mr. SANDERS, Mr. BROWN, Mr. SCHUMER, Mr. AKAKA, Mr. KOHL, Ms. CANTWELL, Mr. CARPER, and Mr. NELSON of Florida);

S. 625. A bill to direct the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. BOND, Mr. AKAKA, Mr. LEATHY, Mr. MENENDEZ, Mr. CRAIG, and Mr. SHEELER);

S. 626. A bill to amend the Public Health Service Act to provide for arthritus research and public health education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. SMITH, Mr. SPECTER, and Mr. MARTINEZ);

S. 627. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. BAYH);

S. 628. A bill to provide grants for rural health information technology development activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN;

S. 629. A bill to amend the Consolidated Farm and Rural Development Act to provide direct and guaranteed loans, loan guarantee, and grants to complete the construction and rehabilitation of rural critical access hospitals, diagnostic laboratories, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COLEMAN (for himself, Mr. DURbin, and Mr. HARKIN);

S. 630. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations to hospitals, and by providing a critical access hospital and a rural health clinic under the Medicare program; to the Committee on Finance.

By Mr. GRASSLEY;

S. 631. A bill to amend title XVIII of the Social Security Act to provide for coverage of remote patient management services for chronic health care conditions under the Medicare Program; to the Committee on Finance.

By Mr. COLEMAN;

S. 632. A bill to provide for a hospital in Cass County, Minnesota; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. KLOUZHICH);

S. 633. A bill to provide assistance to rural schools, hospitals, and communities for the conduct of collegiate athletic programs, and for other purposes; to the Committee on Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. HATCH);

S. 634. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on new-born screening and coordinated follow-up care for new-born screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. SMITH);

S. 635. A bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER;

S. 636. A bill to amend the Internal Revenue Code of 1986 to extend the reporting period for Federal tax returns, and to require tax payers; to the Committee on Finance.

By Mr. SESSIONS;

S. 637. A bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. CHAMBLISS, Mr. CRAIO, Mr. ENSON, Mr. HAGAN, Mr. ISAKSON, Mr. LOTT, Mr. LUGAR, and Mr. THUNB);

S. 638. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Mr. PRYOR;

S. 639. A bill to establish digital and wireless networks to advance online higher education opportunities for minority students; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO;

S. 640. A bill to amend the Public Health Service Act to establish an Office of Men’s Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL (for Mr. GREGG);

S. 641. A bill to express the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions; to read the first time.

By Mr. DURBIN (for himself, Mr. KERRY, and Mr. MENENDEZ);

S. 642. A bill to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA;

S. 643. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans’ Affairs.

By Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. DORGAN, Ms. SNOWE, Mr. COLEMAN, and Mr. LEARY);

S. 644. A bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS (for himself, Mr. BUNNETT, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAIO, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. GRASSLEY, Ms. MURkowski, and Mr. SALAZAR);

S. 645. A bill to amend the Energy Policy Act of 2005 to provide a sulfur dioxide removal measurement for certain coal gasification project goals; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN;

S. 646. A bill to increase the nursing workforce; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. KIRK);

S. 647. A bill to designate certain land in the State of Oregon as wilderness, and for
other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS:
S. 648. A bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods; to the Committee on Armed Services.

By Mrs. CLINTON:
S. 649. A bill to require the Nuclear Regulatory Commission to conduct an independent safety assessment of the Indian Point Nuclear Power Plant; to the Committee on Environment and Public Works.

By Mr. REID:
S. 650. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself and Mrs. CLINTON):
S. 651. A bill to help promote the national recombinant fetal tissue activity to kids, families, and communities across the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, Mr. CRAIG, and Mr. SUNNUNU):
S. 652. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. STEVENS):
S. 653. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on Finance.

By Mr. DURBin (for himself and Mr. SCHUMER):
S. 654. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving public security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. REID, Mrs. CLINTON, Mr. BUKI, Mr. REID, Ms. SNOWE, Mr. KERRY, Mr. BINGHAM, and Mrs. BOXER):
S. Res. 82. A resolution designating August 16, 2007 as “National Airborne Day” to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. CORZINE):
S. Res. 83. A resolution to amend the Standing Rules of the Senate to prohibit filling the tree to the Committee on Rules and Administration.

By Mr. BROWNBACK (for himself and Mr. PYROK):
S. Res. 84. A resolution observing February 23, 2007, the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEVIN, Mr. STEVENS, Mr. KERRY, Mr. DORGAN, Mr. WEBB, Mr. BROWN, Mr. BINGHAM, Mr. CRAPO, Mr. WARNER, Mr. ENSIGN, Mr. MCCAIN, Mr. SALAZAR, and Ms. SNOWE):
S. Con. Res. 13. A concurrent resolution supporting the goals and ideals of a National Medal of Honor and to celebrate and honor the recipients of the Medal of Honor on the anniversary of the first award of that medal in 1863; considered and agreed to.

By Mr. SANDERS:
S. Con. Res. 22. A concurrent resolution expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 3
At the request of Mr. CASEY, his name was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 4
At the request of Mr. CASEY, his name was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terrorism more effectively, to improve homeland security, and for other purposes.

S. 10
At the request of Mr. CASEY, his name was added as a cosponsor of S. 10, a bill to restate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 122
At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. ISAKSON) was added as a cosponsor of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 184
At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 184, a bill to provide improved rail and surface transportation security.

S. 254
At the request of Mr. ENZI, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. KENNEDY) were added as co-sponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261
At the request of Ms. CANTWELL, the name of the Senator from Indiana (Mr. BAYH) was added as a co-sponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 284
At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a co-sponsor of S. 284, a bill to provide emergency agricultural disaster assistance.

S. 294
At the request of Mr. LAUTENEBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a co-sponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 368
At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 410
At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments’ constitutional actions under the first, tenth, and fourteenth amendments.

S. 430
At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 439
At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 455
At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 455, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes.

S. 494
At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr.
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S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 579

At the request of Mr. Reid, the names of the Senator from Florida (Mr. Nelson), the Senator from Rhode Island (Mr. Whitehouse), the Senator from Kansas (Mrs. Murkowski), the Senator from Indiana (Mr. Bayh), the Senator from Washington (Mrs. Murray), the Senator from Wisconsin (Mr. Kohl) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 526

At the request of Mr. Hatch, the names of the Senator from New Hampshire (Mr. Sununu) and the Senator from Ohio (Mr. Voinovich) were added as cosponsors of S. 579, supra.

S. 597

At the request of Mrs. Feinstein, the names of the Senator from North Carolina (Mrs. Dolle), the Senator from Missouri (Mr. Bond), the Senator from Utah (Mr. Hatch), the Senator from Arkansas (Mrs. Lincoln) and the Senator from Kentucky (Mr. Bunning) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 601

At the request of Mr. Bayh, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Pryor:

S. 602. A bill to develop the next generation of parental control technology; to the Committee on Commerce, Science, and Transportation.

Mr. Pryor. Mr. President, I wish to introduce two communications bills. First, I am introducing the Child Safe Viewing Act, a bill to develop the next generation of parental control technology. Last year, following several hearings and forums on decency, I concluded that the V-Chip is not an adequate solution for parents to prevent their children from viewing adult content, especially in hundreds of channels and video streaming.

During the 1996 Telecommunications Act debate, President Clinton urged implementation of parental control technology; to the Committee on Commerce, Science, and Transportation.

The Child Safe Viewing Act is a pragmatic approach to addressing the pitfalls of video content intended for kids, and it acts on current law. It simply directs the Federal Communications Commission to proceed on the requirements in section 551 of the V-Chip law. Section 551 states that the Commission shall take action on alternative blocking technology as it is developed. This mandate is clear and the time is now. We must engage in this issue now to ensure that families have the tools to keep inappropriate and sometimes dangerous material out of their children's view.

I am also introducing ED 1.0, a bill to advance online higher education opportunities for minorities. Last Congress, Senator Allen and I introduced a bill that would establish a digital and wireless network technology program for minority-serving institutions, and it was reported favorably by the Commerce Committee. Regrettably, I am concerned that the cost of the bill will prohibit it from moving in this Congress. But the needs to this Nation's minorities are not standing still.

ED 1.0 would allow some of our goals to move forward now by creating a pilot online degree program at four minority-serving institutions. African-American, Hispanic, and tribal-serving colleges and universities in socially and economically disadvantaged areas would be eligible to participate in this program to help define what works in ensuring that minorities are obtaining higher education degrees.

With the high costs of networks and limited availability of resources, the program would provide a national "lessons learned" about how to develop and implement flexible degree programs in fields such as health or education, which are currently underserved in the disadvantaged community. The goals of ED 1.0 will make education a reality for thousands of Americans, and I hope this bill will have the support of my colleagues.

By Mr. Laufenberg (for himself, Mr. Hagel, Mr. Kerry, and Mrs. Lincoln):

S. 604. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. Laufenberg. Mr. President, I rise to introduce the Military Health

BILLS AND JOINT RESOLUTIONS

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By Mr. Laufenberg (for himself, Mr. Hagel, Mr. Kerry, and Mrs. Lincoln):

S. 604. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. Laufenberg. Mr. President, I rise to introduce the Military Health
Care Protection Act along with my colleagues, Senators HAGEL, KERRY, and LINCOLN.

This important legislation will keep the Pentagon from dramatically raising health care fees on active duty military personnel, National Guard, Reserves and their families.

Our bill will limit increases to TRICARE military health insurance enrollment fees, deductibles, and pharmacy co-payments for those military retirees who are enrolled in TRICARE. Under this legislation, increases in these health care fees cannot exceed the rate of growth in uniformed services beneficiaries’ military compensation, thereby protecting beneficiaries from an undue financial burden.

Our bill will also cap increases to TRICARE military health insurance pharmacy co-payments at current levels for those active duty military personnel, National Guard, Reserves members, and their families. Under this legislation, increases in such fees also cannot exceed the rate of growth in uniformed services beneficiaries’ military compensation.

Just last week, the Department of Defense submitted its Fiscal Year 2008 budget to Congress. Within that budget, a cut of $1.86 billion was made to TRICARE out of the Defense Health Program budget. Such a cut would require a doubling of fees on senior enlisted retirees and a tripling of such fees for off-coverage retirees. This would mean increases of up to $1,000 annually for some military retirees. While the Department of Defense temporarily halted plans to raise fees last year at the direction of Congress, we are again faced with this challenge. We must pass legislation now that limits the amount of any health care increase and protects beneficiaries from extreme health care fee increases in the future.

With this bill, Senator HAGEL and I reiterate our commitment to our troops and future veterans by assuring them that just as they protected us, we will take care of them when their service ends.

Last year, Congress rejected the same increases that the Pentagon is proposing again for this year. I ask the support of my colleagues to pass this legislation this year to prevent these significant increases permanently.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the past 60 years when members of the Armed Forces were on continuous call to go in harm’s way and as needed.

(3) The demands and sacrifices are such that few Americans will willingly ever accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under TRICARE to retired members of the uniformed services.

(8) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the 33-percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services 11 years ago.

(9) Proposals of the Department of Defense for increases in enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(10) Some of the Nation’s health care providers refuse to accept participants in the TRICARE program as patients because that program pays significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care.

(11) The Department of Defense has chosen to count the accrual deposit to the Department of Defense Military Health Care Fund against the budget of the Department of Defense, contrary to the requirements of section 1116 of title 10, United States Code.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceed the obligations of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care costs that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

SEC. 3. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(B) Effective as of October 1, 2007, the percentage increase in any enrollment fee, deductible, or copayment for any year is less than one dollar, the amount by which such fee, deductible, or copayment is increased for any year by a percentage that does not exceed the percentage increase in the cost of the TRICARE program as patients because that program rather than under the health care benefits programs of such employers;"

(b) PREMIUMS FOR TRICARE STANDARD FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1074d(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(B) Effective as of October 1, 2007, the percentage increase in the TRICARE Standard coverage for any year is less than one dollar.

(c) PREMIUMS FOR TRICARE STANDARD FOR SELECTED RESERVE.—Section 1074d(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(B) Effective as of October 1, 2007, the percentage increase in the TRICARE Standard coverage for any year is less than one dollar.

(d) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

"(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this title.

(e) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

"(6) A person covered by subsection (c) shall not be subject to denial of claims for
By Ms. CANTWELL (for herself, Mr. BINGMAN, Mrs. BOXER, Mr. KENNEDY, Ms. LANDRIEU, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MUKILSKI, and Mrs. MURRAY). S. 605. A bill to amend the Public Health Service Act to promote and improve the allied health professions, to provide grants to States and to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, early in the 109th Congress I introduced the Allied Health Reinvestment Act to address the troubling shortage of allied health professionals in our country. Sadly, we were unable to act on this bill despite continuing deficiencies in the health care workforce. That is why, today, I am reintroducing the Allied Health Reinvestment Act, along with my good colleagues, Senators BINGMAN, BOXER, KENNEDY, LANDRIEU, LIEBERMAN, LINCOLN, MUKILSKI, and MURRAY.

Allied health professionals constitute roughly one third of the American healthcare workforce. These individuals take x-rays, perform lab tests, and provide emergency services. They help rehabilitate the injured, manage health records, and ensure patients are eating right. Allied health professionals are responsible for a critical and diverse array of functions, working with doctors and nurses to keep patients healthy.

The allied health professions recognized in this bill include professionals in the areas of: dental hygiene, dietetics/nutrition, emergency medical services, health information management, clinical laboratory sciences/medical technology, cytotecology, occupations in physical therapy, radiologic technology, nuclear medical technology, rehabilitation counseling, respiratory therapy, and speech language-pathology/audiology. This is by no means a complete list of allied health professions, which is why the Secretary of Health and Human Services will have the authority to determine additional professions that can benefit.

Today, many allied health professions suffer from existing workforce shortages. The American Hospital Association (AHA) reports vacancy rates of 18 percent for radiology technicians, 15.3 percent for imaging technicians, and 12.7 percent for pharmacy technicians. In my State alone, the Washington State Hospital Association reports vacancy rates of 14.3 percent for ultrasound technologists, 11.3 percent for radiology technicians, and 10.9 percent for nuclear medicine technologists.

These shortages have real consequences for patients, often extending wait times for important test results or routine examinations. Every time I meet with hospital officials in my State, I always hear how excellent patient care is hurt by the lack of available healthcare workers.

Enrollment figures in allied health education programs suggest we will not have the individuals available to meet the challenges created by existing shortages. The Association of Schools of Allied Health Professionals (ASAHP) reports in a 2006 survey of 87 member institutions that enrollment for a number of allied health programs have not increased since the seventh consecutive straight year. The Institutional Profile Survey, which the ASAHP conducts every year, shows under-enrollment by 55 percent in dietetics, 54 percent in health administration, 49 percent in respiratory therapy, 45 percent in medical laboratory sciences/medical technology, 25 percent in clinical laboratory sciences/medical technology, and 20 percent in cytotechnology.

These rates cannot continue. On top of existing workforce shortages, our health system faces a growing senior population, a group that typically requires more care. The U.S. Census Bureau reports that the section of our population age 65 and over will begin to rapidly increase in 2011 when the first of the baby boom generation reaches age 65. This increase will create greater demand on all sectors of the healthcare workforce.

The bill my colleagues and I introduced today, like the Nurse Reinvestment Act in the 107th Congress, intends to provide incentives for individuals to seek and complete high-quality allied health education and training.

The bill offers allied health education, practice, and retention grants. Education grants will be used to expand allied health education programs, especially under-represented racial and ethnic minority students, and provide educational opportunities through new technologies and methods, including distance-learning. Practice grants will establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods that will improve access to primary health care in rural areas and other medically underserved communities. Retention grants will promote career advancement for allied health personnel.

Grants will also be made available for health care facilities to enable them to carry out demonstrations of models and best practices in allied health for the purpose of developing innovative strategies or approaches for retention of allied health professionals. These grants will be awarded in a variety of geographic regions to a range of different types of facilities, including those in rural, urban, and suburban areas.

Furthermore, this bill will give the Secretary of HHS, acting through the Administrator of HRSA, the authority to enter into an arrangement with any institution that offers an eligible allied health education program to establish and operate a faculty loan fund to increase the number of qualified allied health faculty. Loans may be granted to faculty pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program.

Finally, the Allied Health Reinvestment Act will establish a scholarship program modeled after the National Health Service Corps that provides scholarships to individuals seeking allied health education in exchange for service by those individuals in rural and other medically underserved areas.

The Allied Health Reinvestment Act represents a serious commitment on our part to confront a problem that will only grow more serious in the future. Our system of care cannot operate without the dedicated allied health professionals working today, and we must take the actions necessary to ensure that there is a strong workforce that can serve in the future.

I ask unanimous consent that the text of the bill be printed in the Record.

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

SEC. 1. SHORT TITLE.
This Act may be called the ‘‘Allied Health Reinvestment Act’’.

SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress makes the following findings:
(1) The United States Census Bureau and other reports highlight the increased demand for acute and chronic health care services among both the general population and a rapidly growing aging portion of the population.
(2) The calls for reduction in medical errors, increased patient safety, and quality of care have resulted in an amplified call for allied health professionals to provide health care services.
(3) Several allied health professions are characterized by workforce shortages, declining enrollment in allied health education programs, or a combination of both factors, and hospital officials have reported vacancy rates in positions occupied by allied health professionals.
(4) Many allied health education programs are facing significant economic pressure that could force their closure due to an insufficiency of student enrollment.

(b) PURPOSE.—It is the purpose of this Act to provide incentives for individuals to seek...
and complete high quality allied health education and training and provide additional funding to ensure that such education and training can be provided to allied health students. The United States health care industry with have a supply of allied health professionals needed to support the health care system of the United States in this decade and beyond.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended by adding at the end the following:

"PART G—ALLIED HEALTH PROFESSIONALS"

"SEC. 799C. DEFINITIONS.

"In this part—"

"(1) ALLIED HEALTH EDUCATION PROGRAM.—"The term 'allied health education program' means any postsecondary educational programs offered by an institution accredited by an agency or recognized by the Department of Education, or leading to a State certificate or license or any other educational program approved by the Secretary. Such term includes colleges, universities, or schools of allied and equivalent entities that include programs leading to a certificate, associate, baccalaureate, or graduate level degree in an allied health profession.

"(2) ALLIED HEALTH PROFESSIONS.—The term 'allied health professions' includes professions in the following areas at the certificate, associate, baccalaureate, or graduate level:

"(A) Dental hygiene.

"(B) Dietetics or nutrition.

"(C) Emergency medical services.

"(D) Health information management.

"(E) Clinical laboratory sciences and medical technology.

"(F) Cytotechnology.

"(G) Occupational therapy.

"(H) Physical therapy.

"(I) Radiologic technology.

"(J) Nuclear medical technology.

"(K) Rehabilitation counseling.

"(L) Respiratory therapy.

"(M) Speech-language pathology and audiology.

"(N) Any other profession determined appropriate by the Secretary.

"(3) HEALTH CARE FACILITY.—The term 'health care facility' means an outpatient health care facility, hospital, nursing home, home health agency, hospice, federally qualified health center, nurse managed health center, rural health clinic, public health clinic, or any similar health care facility or practice that employs allied health professionals.

"SEC. 799C–1. PUBLIC SERVICE ANNOUNCEMENTS.

The Secretary shall develop and issue public service announcements that shall—

"(1) advertise and promote the allied health professions;

"(2) highlight the advantages and rewards of the allied health professions; and

"(3) encourage individuals from diverse communities and backgrounds to enter the allied health professions.

"SEC. 799C–2. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

"(a) IN GENERAL.—The Secretary shall award grants to designated eligible entities to support State and local advertising campaigns that are conducted through appropriate media outlets (as determined by the Secretary)

"(1) promote the allied health professions;

"(2) highlight the advantages and rewards of the allied health professions; and

"(3) encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

"(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a professional, national, or State allied health association, a State health care provider, or association of one or more health care facilities, allied health education programs, or other entities that provides similar services or serves a like function; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 799C–3. ALLIED HEALTH RECRUITMENT GRANT PROGRAM.

"(a) PROGRAM AMOUNTS.—The Secretary shall award grants to eligible entities to increase allied health professions education opportunities.

"(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other eligible entities that provide similar services or serve a like function; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—An entity shall use amounts received under a grant under subsection (a) to—

"(1) support outreach programs at elementary and secondary schools that inform guidance counselors and students of education opportunities regarding the allied health professions;

"(2) carry out special projects to increase allied health education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities that are underrepresented among the allied health professions) by providing student scholarships or stipends, pre-entry preparation, and retention activities;

"(3) provide assistance to public and nonprofit private educational institutions to assist allied health professionals in recruiting and retaining individuals; and

"(4) promote, in collaboration with eligible entities, education opportunities in allied health professions for individuals who are from disadvantaged backgrounds in underserved areas.

"(d) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) be an institution that offers allied health education programs, and contains such information as the Secretary may require.

"SEC. 799C–5. ALLIED HEALTH EDUCATION, PRACTICE, AND RETENTION GRANTS.

"(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to eligible entities to—

"(1) establish or expand allied health practice opportunities, including arrangements in managed settings to demonstrate methods to improve access to primary health care in rural areas and other medically underserved communities;

"(2) provide care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;

"(3) provide managed care, information management, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

"(4) develop generational and cultural competencies among allied health professionals.

"(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to eligible entities to—

"(1) promote health care delivery systems for underserved areas.

"(2) establish or expand allied health education programs, health care facilities, or any similar health care facility, rural health clinic, public health clinic, or any similar health care facility or practice that employs allied health professionals.

"(3) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

"(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of allied health professionals and to enhance patient care services in underserved such professions, such as by providing career counseling and mentoring.

"(B) PREFERENCE.—In making awards under this paragraph, the Secretary shall give preferential to applicants that have not previously received a grant under this paragraph and to applicants from rural, underserved areas.

"(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award made under paragraph (2) of this subsection in the second year of such award contingent on the recipient of such award demonstrating to the Secretary measurable and substantive improvements in allied health personnel retention or patient care.

"(4) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a health care facility, or any partnership or coalition containing a health care facility,
SEC. 799C–6. DEVELOPING MODELS AND BEST PRACTICE PROGRAMS.

(a) Authority. The Secretary shall award grants to eligible entities to enable such entities to carry out demonstration programs using models and best practices in allied health and the purpose of developing innovative strategies or approaches for the retention of allied health professionals.

(b) Eligible Entity.—To be eligible to receive a grant under this section, an entity shall—

(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) Distribution of Grants.—In awarding grants under this section, the Secretary shall ensure that such grants represent a variety of geographic regions and a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

(d) Use of Funds.—An entity shall use amounts received under a grant under this section to carry out demonstration programs of models and best practices in allied health for the purpose of—

(1) promoting retention and satisfaction of allied health professionals;

(2) providing opportunities for allied health professionals to pursue education, career advancement, and organizational recognition; and

(3) developing continuing education programs that instruct allied health professionals in how to use emerging medical technologies and how to address current and future health care needs.

(e) Area Health Education Centers.—The Secretary shall award grants to area health education centers to enable such centers to develop contracts with allied health education programs to expand the operation of area health education centers to work in communities to develop models of excellence in health professions to enable the expansion of junior and senior high school mentoring programs to include an allied health professional mentoring program.

SEC. 799C–7. ALLIED HEALTH FACULTY LOAN PROGRAM.

(a) Establishment.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any institution offering an eligible allied health education program for the establishment and operation of a faculty loan fund in accordance with this section (referred to in this section as the ‘loan fund’), to increase the number of qualified allied health faculty.

(b) Agreements.—Each agreement entered into under this section shall—

(1) provide for the establishment of a loan fund by the institution offering the allied health education program involved with the amounts received under paragraph (A); and

(2) provide for deposit in the loan fund of—

(A) the federal capital contributions to the fund;

(B) an amount provided by the institution involved which shall be equal to not less than one-ninth of the amount of the federal capital contributions in accordance with subparagraph (A); and

(C) any collections of principal and interest on loans made from the fund; and

(3) any other earnings of the fund;

(b) Provide that the loan fund will be used only for the provision of loans to faculty of the allied health education program in accordance with paragraph (c) and for the costs of the collection of such loans and the interest thereon;

(4) provide that loans may be made from such fund only to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program; and

(c) Contingent Provisions determined appropriate by the Secretary to protect the financial interests of the United States.

(d) Loan Provisions.—Loans from any faculty loan fund established pursuant to an agreement under this section shall be made to an individual on such terms and conditions as the allied health education program may determine, except that—

(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

(2) in the case of any individual, the total of the loans for any academic year made by an allied health education program from the loan funds established pursuant to agreements under this section may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

(3) upon completion by the individual of each of the first, second, and third year of full-time employment under the loan agreement, as a faculty member in an allied health education program, the program shall award 20 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

(4) upon completion by the individual of the fourth year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall award 25 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

(5) the loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

(6) the loan shall be repayable in equal or graduated periodic installments (with the right of the lender to repossess the repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study in an allied health education program;

(7) such loan shall—

(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study in an allied health education program, bear interest on the unpaid balance of the loan at the rate of 3 percent per year; or

(B) subject to subsection (e), if the allied health education program determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

(d) Payment of Proportionate Share.—Where all or any part of a loan (including interest thereon) is canceled under this section, the Secretary shall award an amount equal to the program’s proportionate share of the canceled portion, as determined by the Secretary;

(e) Review by Secretary.—At the request of the individual involved, the Secretary shall determine by a contract with an allied health education program under this section.
(6) the default rate and actions required;
(7) the amount of outstanding default funds of the scholarship program;
(8) to the extent that it can be determined, actions to correct the default;
(9) the demographics of the individuals participating in the scholarship program; and
(10) an evaluation of the overall costs and benefits of the program.

SEC. 799C-9. GRANTS FOR CLINICAL EDUCATION, INTERNSHIP, AND RESIDENCY PROGRAMS.
(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to develop clinical education, internship, and residency programs, that encourage mentoring and the development of specialties.
(b) ELIGIBLE ENTITIES.—To be eligible for a grant under this section an entity shall—
(1) be a partnership of an allied health education program and a health care facility;
(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.
(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—
(1) develop clinical education, internship, and residency programs and curriculum and training programs for graduates of an allied health education program;
(2) provide support for faculty and mentors; and
(3) provide support for allied health professionals participating in clinical education, internship, and residency programs on a full-time or part-time basis.

SEC. 799C-10. GRANTS FOR PARTNERSHIPS.
(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to form partnerships to carry out the activities described in this section.
(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, and entity shall—
(1) be a partnership between an allied health education program and a health care facility; and
(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.
(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—
(1) provide employees of the health care facility that is a member of the partnership involved in advanced training and education in a allied health education program;
(2) establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods to improve access to health care in rural and other medically underserved communities;
(3) purchase distance learning technology to extend education and training programs to rural areas, and to extend specialty education and training programs to all areas; and
(4) establish or expand mentoring, clinical education, and internship programs for training in specialty care areas.

SEC. 799C-11. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.
The Secretary, acting in conjunction with allied health professional associations, shall develop a system for collecting and analyzing health workforce data gathered by the Bureau of Labor Statistics, the Health Resources and Services Administration, other entities within the Department of Health and Human Services, the Department of Veterans Affairs, the Centers for Medicare & Medicaid Services, the Department of Defense, allied health professional associations, and regional centers for health workforce studies to determine educational pipeline and practitioner shortages, and project future needs for the default.

SEC. 799C-12. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.
The Secretary shall include schools of allied health professions and programs to rural areas, and to extend general education and training to underserved communities;

SEC. 799C-13. REPORTS BY GENERAL ACCOUNTING OFFICE.
"Not later than 5 years after the date of enactment of this part, the Comptroller General of the United States shall conduct an evaluation of whether the programs carried out under this part have demonstrably increased the number of applicants to allied health education programs and prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluation.

SEC. 799C-14. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated to carry out this part, such sums as may be necessary for each of fiscal years 2008 through 2013.

S. 606. A bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 610. A bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 696. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mrs. CLINTON, Mr. CONRAD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDENBERG, Mr. LAUTENBERG, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. PRYOR, Mr. REID, and Mr. WYDEN):

S. 606. A bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 610. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 696. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, and Mr. OBAMA):

S. 606. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 610. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 696. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, and Mr. OBAMA):

S. 606. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 610. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 696. A bill to improve the allocation of homeland security grants to regions which face the highest risk of a terrorist attack; and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN, Mr. President, I rise today to introduce legislation that ensures our Nation’s homeland security grant resources are allocated in the most effective manner possible. I am pleased to be joined by my colleagues from Texas, Senator John CORNYN, as well as Senators BOXER, HUTCHISON, LAUTENBERG, SCHUMER, CLINTON, MENENDEZ, and OBAMA.

Simply put, the current system for allocating homeland security grants to States is fundamentally flawed. Proportionate funding is not allotted to regions which face the greatest risk of a terrorist attack, and adequate assessment of threats is not calculated.

The “Risk-Based Homeland Security Grants Act of 2007” addresses these
concerns with a common-sense approach that responsibly directs taxpayer dollars to protect our Nation’s vital interests.

The methodology is straightforward and spelled out in the language at the beginning of the bill.

The Secretary of Homeland Security shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

This direction would apply to the four major first-responder grant programs administered by the Department of Homeland Security: the State Homeland Security Grant Program; the Urban Area Security Initiative; the Law Enforcement Terrorism Prevention Program; and the Citizens Corps Program.

The primary objective of the legislation is accomplished by reducing the amount of funding that each State is guaranteed. This practice requires a "small state minimum," giving each State at least 0.75 percent of much of the grant funding.

The result is that roughly 38 percent of the funds are marked for distribution before any substantive risk analysis is performed. That sends disproportionate money to low-risk, rural areas and territories.

For most, this outcome is not acceptable. Funding to bolster the security of our country should go to where the threats are greatest—such as seaports, airports, and national landmarks.

This bill lowers the "small state minimum" to 0.25 percent per State. A Homeland Security Grants Board, comprised of seven top Department of Homeland Security officials, including the Secretary of Homeland Security and the Undersecretary of Information Analysis and Infrastructure Protection, is established to rank grant applications based on risk. Three factors guide this evaluation: threat, vulnerability, and consequence.

The current system, by contrast, allocates a significant amount of funding to states based upon their population. To ensure that grant funds are properly accounted for, and utilized within an integrated framework to enhance domestic security, grants must be designed to meet "essential" capabilities.

"Essential capabilities" refers to the ability of regions to address risks by reducing vulnerability to attacks and diminishing the consequences of such attacks by effective response.

This legislation assures that States must demonstrate that they have a detailed, prioritized plan for emergency preparedness and resource allocation, so that Federal funds are assigned to the most effective uses.

States must then quickly distribute the Federal funds to regions and localities.

The notion of risk-based allocation of homeland security grants is not novel. This is a bipartisan approach advocated by both the Bush Administration and the 9/11 Commission.

The 9/11 Commission report said: "Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities."

Four years ago, President Bush signed Homeland Security Presidential Directive 8, which requires the Department of Homeland Security to allocate grant funding “based on national priorities.”

In April 2005, Representatives Cox and Turner, the Chair and Ranking Member of the House Homeland Security Committee at the time, offered similar legislation to reform the grant process by reducing State minimums and allocating funds based upon risk assessments.

That effort, the “Faster and Smarter Funding for First Responders Act of 2005,” passed the House of Representatives as part of the Intelligence Reform bill, but was dropped in conference. Again, the House has acted, passing legislation last month, by an overwhelming vote of 299-128, to implement the recommendations of the 9/11 Committee. A key component is the risk-based allocation of homeland security resources.

This bill, though updated to reflect recent changes at the Department of Homeland Security, marks the continuation of a legislation effort we began last session, with the FORWARD Fund program that was unsuccessful. Hopefully, this time will be different.

In the post-Cold War world, America needs the flexibility to defend against a different type of enemy. The amorphous nature of the threat and likelihood of asymmetric attacks demands a robust approach. But our resources are limited, and difficult choices must be made.

We will never know exactly how, when, or where a major attack may occur. But we can refine our risk-assessment capabilities, and make objective analyses and predictions. It follows that our resources should be directed based upon our best estimate of where the next strike might take place.

Two guiding principles—the ability to predict future attacks, coupled with the necessity of utilizing finite resources effectively—form the backbone of a comprehensive strategy to make our Nation more secure.

The approach is three-pronged: risks of potential terrorist attacks must be accurately assessed; the vulnerability of critical infrastructure and potential targets must be measured; and, resources should be dispersed based upon these assessments.

The Department of Homeland Security was created to accomplish these goals. Yet we find again and again that scarce resources are allocated based on factors unrelated to real security.

For example, last year California’s Urban Area Security Initiative grants totaled only $6.81 per capita. Hawaii received $11.55 per capita, and Wyoming, $18.06 per capita.

I recognize the environment in which we are operating, and understand this bill is not a panacea. This bill is a first step towards reducing the threat of terrorist attacks.

Congress should not act alone. The Department of Homeland Security must embrace the concept of risk-based allocation of resources. And it must act on these principles. Slow progress has been made, but the Department’s intelligence analysis and vulnerability assessment capabilities must be improved.

We can do better. We must put aside pork-barrel politics and take action to protect all Americans. The security of our Nation hangs in the balance and we cannot afford to wait until it is too late.

This bill was conceived and put forth in the spirit of bipartisanship. I hope that Senators Lieberman and Collins will accept this legislation, which is a reasoned alternative to their approach and a starting point for continued discussion.

I ask my colleagues to join me in supporting this simple, straightforward approach to effectively distribute our Nation’s resources and make America secure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 608

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Risk-Based Homeland Security Grants Act of 2007”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Risk-based funding for homeland security.
Sec. 3. Essential capabilities, task forces, and standards.
Sec. 4. Effective administration of homeland security grants.
Sec. 5. Implementation and definitions.

SEC. 2. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY"

"SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

"(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

"(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:
“(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such program.

“(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

“(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

“(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such program.

“(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant programs or any successor to such programs:

“(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.


“(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of any covered grant program.

“(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

“SEC. 202. COVERED GRANT ELIGIBILITY AND CRITERIA.

“(a) GRANT ELIGIBILITY.—

“(1) IN GENERAL.—

“(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

“(B) URBAN AREA SECURITY INITIATIVE.—Only a State or, if applicable to the area, a region eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

“(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the Homeland Security Grant Program of the Department, or any successor to such grant program.

“(2) OTHER GRANT APPLICANTS.—

“(A) IN GENERAL.—Grants provided by the Department for improving homeland security, public transportation, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

“(B) CONSIDERATION.—Such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

“(3) CERTIFICATION OF REGIONS.—

“(A) IN GENERAL.—The Secretary shall certify a geographical area as a region if—

“(i) the region meets the criteria under section 2007(10)(B) and (C); and

“(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequences, that certifying the geographical area as a region under this title is in the interest of national homeland security.

“(1) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding subparagraphs (B) and (C) of section 2007(10), a geographic area that, on or before the date of enactment of the Risk-Based Homeland Security Grants Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary to receive funds under such Act.

“(2) STATE HOMELAND SECURITY GRANT PROGRAM.—The Secretary grants to the States for which they are submitted. The Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

“(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

“(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum:

“(A) the purpose for which the applicant seeks covered funds and the reasons why the applicant needs the funds; and

“(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), as well as the essential capabilities specified in such plan or plans;

“(C) a statement of whether a mutual aid agreement applies to the use of all or any part of the covered funds;

“(D) the applicable State homeland security plan and provides an explanation of how the State plans to allocate the covered grant funds, including, where applicable, the amount not passed through under section 2006(g)(1), as well as the essential capabilities specified in such plan or plans;

“(E) a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

“(F) a statement of what governmental entity within the region will administer the expenditure of funds under the covered grant;

“(G) a description of any applicable regional agreement and the specific individual to serve as regional liaison; and

“(H) a description of how the governmental entity administering the expenditure of funds under the covered grant funds to regions, local governments, and Indian tribes;

“(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe shall provide, in a consistent and coordinated manner, the applicable State homeland security plan.

“(2) APPROVAL BY SECRETARY.—The Secretary grants to the States for which they are submitted. The Secretary shall require that any State applying to the Secretary an application at such time, in such form, and subject to appropriate comment by local governments, and Indian tribes; and

“(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

“(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary grants to the States for which they are submitted. The Secretary shall require that each applicant include in its application, at a minimum:

“(A) the purpose for which the applicant seeks covered funds and the reasons why the applicant needs the funds; and

“(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), as well as the essential capabilities specified in such plan or plans;

“(C) a statement of whether a mutual aid agreement applies to the use of all or any part of the covered funds;

“(D) the applicable State homeland security plan and provides an explanation of how the State plans to allocate the covered grant funds, including, where applicable, the amount not passed through under section 2006(g)(1), as well as the essential capabilities specified in such plan or plans;

“(E) a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

“(F) a statement of what governmental entity within the region will administer the expenditure of funds under the covered grant;

“(G) a description of any applicable regional agreement and the specific individual to serve as regional liaison; and

“(H) a description of how the governmental entity administering the expenditure of funds under the covered grant funds to regions, local governments, and Indian tribes;
“(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting that regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award through to the recipient all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: Provided That, in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

“(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

“(E) TIMELINESS PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not receive an explanation of why such equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the appropriate Federal agency or State or local government, the Secretary shall not pass through to such region under subparagraph (C).

“(F) REGIONAL LIASIONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

(i) coordinate with Federal, State, local, regional, and private officials within the region designated under paragraph (4)(E)(iii) to improve the tribe’s access to covered grants; and

(ii) administer, in consultation with State, local, regional, and private officials with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

“(G) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity for each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the applicable regional application.

“(H) OPPORTUNITY FOR FEDERAL COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity for the Department to comment to the Secretary on the consistency of the tribe’s application with the applicable regional award application, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located for the approval of an application by such tribe.

“(I) TRIBAL LIASONS.—A tribal liaison designated under paragraph (4)(G) shall—

(i) provide the Secretary with information relevant to the first responder community.

(ii) in evaluating the threat to persons and property from terrorism, the Secretary may exercise the authorities established under section 2004; and

(iii) regularly update such essential capabilities for State and local governments, or to achieve the objectives:

(A) the most current risk assessment prepared by section 2004; and

(B) the types of threats, vulnerabilities, and critical infrastructure which the National Capitol Region must possess, or to which they should have access, in order to achieve the objectives:

(A) the Department of Homeland Security.

(B) the Deputy Secretary of Homeland Security.

(C) the Under Secretary for Emergency Preparedness and Response.

(D) the Under Secretary for Border and Transportation Security.

(E) the Under Secretary for Information Analysis and Infrastructure Protection.

(F) the Under Secretary for Science and Technology.

(G) the Director of the Office of State and Local Government Coordination.

“(J) TRIBAL REQUIREMENTS.—The Secretary shall not make any grant directly to not more than 20 directly eligible tribes.

“(K) LIMITATION ON THE NUMBER OF DIRECT ELIGIBLE TRIBES.—If any tribe fails to pass through a regional award to a region as required by subparagraph (C), the Secretary shall not make any grant directly to such tribe.

“(L) REQUIREMENTS FOR GRANTS AWARDED TO TRIBES.—The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by section 2, is amended by adding at the end the following:

“SEC. 3. ESSENTIAL CAPABILITIES, TASK FORCES, AND DIRECT PAYMENTS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by section 2, is amended by adding at the end the following:

“(G) T R A N S I T I O N S OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.”.

“SEC. 3. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

“(A) ESTABLISHMENT OF ESSENTIAL CAPABILITIES TASK FORCES.—

“(1) IN GENERAL.—For purposes of covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

(A) the Task Force on Essential Capabilities established under section 2004; and

(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, Science and Technology, and the Director of the Office of State and Local Government Coordination;

(C) the Secretary of Health and Human Services;

(D) other appropriate Federal agencies;

(E) State and local first responder agencies and officials; and

(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

“(2) DEADLINES.—The Secretary shall—

(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

“(B) PROVISION OF ESSENTIAL CAPABILITIES TASK FORCES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

“(C) OBJECTIVES.—The Secretary shall ensure that such essential capabilities are established under subsection (a)(1) meet the following objectives:

“(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department’s goals for terrorism preparedness based upon—

(A) the most current risk assessment available by the Director for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

(B) the types of threats, vulnerabilities, geographic size, and other factors that the Secretary has determined to be applicable to each different type of community; and
“(c) the principles of regional coordination and mutual aid among State and local governments.

“(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

“(3) MEASURABILITY.—The establishment of critical infrastructure sectors is made within the context of a comprehensive State emergency management system.

“(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be based upon the most current risk assessment available by the Director for Information Analysis and Infrastructure Protection of the threat of terrorism against the United States.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—

The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

“(A) Agriculture.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) Critical physical infrastructure.

“(E) Emergency services.

“(F) Energy.

“(G) Food.

“(H) Government.

“(I) Postal and shipping.

“(J) Public health.

“(K) Information and telecommunications networks.

“(L) Transportation.

“(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be in an order of priority for consideration of the importance of such sectors.

“(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber.

“(I) Any other threats based on proximity to specific past acts of terrorism or the know identity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient community) or critical infrastructure sector that the Secretary has determined to exist.

“SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

“(a) Establishment.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

“(b) Membership.—

“(1) In General.—The Task Force shall be known as the Task Force on Essential Capabilities.

“(2) Contents.—The report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

“(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders.

“(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(F) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 179d–6b).

“(G) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(H) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials may have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

“(c) MEMBERSHIP.—

“(1) In General.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of the Nation and the States.

“(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specify the following categories of first responder equipment for purposes of section 2002(e)(7). Such standards shall—

“(A) be, to the maximum extent practicable, consistent with any existing voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 2002(e)(7). Such standards shall—

“(B) Chemical detection and analysis equipment.

“(C) Biological detection and analysis equipment.

“(D) Radiation detection and analysis equipment.

“(E) Decontamination and sterilization equipment.

“(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

“(G) Suicide bombers.

“(H) Cyber.

“(I) Any other threats based on proximity to specific past acts of terrorism or the known identity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient community or critical infrastructure sector) that the Secretary has determined to exist.
``(G) Respiratory protection equipment.
``(H) Interoperable communications, including wireless and wireline voice, video, and data networks.
``(I) Protection, detection, and mitigation devices and explosive detection and analysis equipment.
``(J) Containment vessels.
``(K) Contaminant-resistant vehicles.
``(L) Any other equipment, training, or other assistance under which the Secretary determines that national voluntary consensus standards would be appropriate.
``(1) TRAINING STANDARDS.—
``(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology, and the Director of the Office of State and Local Government Coordination, shall prepare for, respond to, and mitigate terrorist attacks.
``(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall:
``(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons, and devices capable of inflicting significant human casualties; and
``(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).
``(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall:
``(A) Regional planning.
``(B) Joint exercises.
``(C) Intelligence collection, analysis, and sharing.
``(D) Emergency notification of affected populations.
``(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.
``(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.
``(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.
``(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall consult with relevant public and private sector groups, including—
``(1) the National Institute of Standards and Technology; and
``(2) the National Fire Protection Association;
``(3) the National Association of County and City Health Officials;
``(4) the Association of State and Territorial Health Officials;
``(5) the American National Standards Institute; and
``(6) the National Institute of Justice;
``(7) the Inter-Agency Board for Equipment Standardization and Interoperability; and
``(8) the Public Health Performance Standards Program;
``(9) the National Institute for Occupational Safety and Health; and
``(10) the International; and
``(11) the International Safety Equipment Association;
``(12) the Emergency Management Accreditation Program;
``(13) the National Domestic Preparedness Consortium; and
``(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and related persons.
``(4) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities with the Secretary of Health and Human Services.
``SEC. 4. EFFECTIVE ADMINISTRATION OF HOME- LAND SECURITY GRANTS.
``(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 2 and 3, is amended by adding at the end the following:
``SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.
``(a) IN GENERAL.—A covered grant may be used for:
``(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;
``(2) exercises to strengthen terrorism preparedness and response;
``(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;
``(4) developing or updating response plans;
``(5) establishing or enhancing mechanisms for sharing terrorism threat information;
``(6) systems architecture and engineering, program planning, and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;
``(7) additional personnel costs resulting from:
``(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or other first responder-related project; or
``(B) travel to and participation in exercises and training in the use of equipment and prevention activities; and
``(8) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and
``(9) participation in information, investigative, and intelligence-sharing activities specifically directed to terrorism prevention;
``(10) the costs of equipment (including software) required to receive, transmit, handle, and store classified information; and
``(11) development, and computer software;
``(12) compensating for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.); and
``(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.
``(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.
``(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).
``(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to the requesting State, region, or local government with the approval of the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with appropriate recommendations for interoperability;
``(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant funds to the Secretary for specified purposes of rendering such equipment to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security;
``(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—
``(1) PASS-THROUGH.—The Secretary shall require each recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders,
and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant, or a pass-through under paragraph (4) that is subject to paragraphs (b) and (c); and the grant funds having a value equal to at least 80 percent of the amount of, or a combination thereof, by not later than the end of any 6-month period beginning on the date the grant recipient receives the grant funds.

(2) CERTIFICATIONS REGARDING DISTRIBUTION.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that no State funds available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each such report shall include, for each recipient of a covered grant or a pass-through under paragraph (1), the following:

(A) the amount obligated to that recipient in that quarter;

(B) the amount expended by that recipient in that quarter; and

(C) a summary description of the items purchased by such recipient with such amount.

(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary by not later than 5 days after the end of each fiscal year.

(A) IN GENERAL.—The Secretary may upon request in writing that the Secretary extend the 45-day period under section 2003(a)(1); and

(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 302(a).

(c) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph:

(i) shall not affect any payment to another local government under this paragraph; and

(ii) shall not prejudice consideration of a request for payment under this paragraph submitted by another local government.

(d) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove the request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

(e) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year.

(2) containing information on the use of such grant funds by grantees; and

(3) describing:

(A) the Nation’s progress in achieving, maintaining, and enhancing the essential capabilities established under section 302(a) as a result of the expenditure of covered grant funds during the preceding fiscal year;

(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 302(a).

(b) SENSE OF CONGRESS REGARDING INTEROPERABLE COMMUNICATIONS.—

(1) FINDING.—Congress finds that:

(A) many emergency response providers (as defined under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act) working in the same jurisdiction or different jurisdictions need to be able to effectively and efficiently communicate with one another; and

(B) their inability to do so threatens the public’s safety and may result in unnecessary loss of lives and property.

(2) SENSE OF CONGRESS.—It is the sense of Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by the emergency response provider community, and that upgraded and new digital communications systems and radios should meet prevailing national voluntary consensus standards for interoperability.

(c) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(d) REQUIRED COORDINATION.—The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, respond to, and recover from acts of terrorism and other major disasters and emergencies among the divisions of the Department of Homeland Security, including the Directorate of Emergency Preparedness and Resilience and the Office for State and Local Government Coordination and Preparedness.
(e) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking "and" and
(2) in paragraph (10), by striking the period and inserting "; and"; and

(3) by adding at the end the following:—

"(1) a committee or interagency forum with respect to functions of the Department of Homeland Security, to identify private sector representatives and capabilities that could be effective in supplementing Federal, State, and local government efforts to prevent or respond to a terrorist attack."

(f) NATIONAL WIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary of Homeland Security, in consultation with the heads of other Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States immediately of acts of hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding measures that should be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(g) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of "National Capital Region" applicable under section 601 of the Homeland Security Act of 2002 (6 U.S.C. 602) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination—

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Capital Region Coordination will—

(A) promote coordination among State and local governments within the Region, including representatives of Federal agencies and of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 882)) as the Secretary considers appropriate.

(h) GRANT ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary of Homeland Security shall conduct a study of the factors to be considered in the selection of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for factors in allocating grant funds to ports.

(i) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary of Homeland Security shall conduct a study of the allocation of grant funds made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States with the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors in paragraphs (1) and (2) of section 2002 to ensure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 5. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.".

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2006(c), and

(B) in section 2002(f)(3)(A)(i), the phrase "by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis," and

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(1)(A); and

(B) Section 2006(1)(B).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002 (42 U.S.C. 602 et seq.), which is reenacted and is applicable for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village, urban or regional, recognized as eligible for the special programs and services provided by the United States under section 402 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 486b(c)).

(3) TERRITORY.—The term "territory" means any geographic area—

"(A) certified by the Secretary under section 2002(a)(3); and

"(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

"(C) that, for purposes of an application for a covered grant—

(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

(i) REGION.—The term "region" means any geographic area—

"(A) certified by the Secretary under section 2002(a)(3); and

"(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

"(C) that, for purposes of an application for a covered grant—

(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

(j) RISK-BASED FUNDING.—The term "risk-based funding" means any grant or other financial assistance to an Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for self-governance grants established under section 926 (25 U.S.C. 486a) of the Indian Self-Determination and Education Assistance Act; and

"(B) is deployed at least 50 full-time personnel in a law enforcement agency response with the capacity to respond to calls for law enforcement or emergency services; and

"(C) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as a high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(2) IN ENVIRONMENTS IN THE THREAT ALERT LEVEL.—The term 'environments in the threat alert level' means any designation (including those that are less than national in scope) that designates the highest threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(3) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(4) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

"(5) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

"(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village, urban or regional, recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) HIGHER RISK.—The term 'higher risk' means any geographic area—

"(A) certified by the Secretary under section 2002(a)(3); and

"(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

"(C) that, for purposes of an application for a covered grant—

(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

"(8) INDIAN TRIBAL AREA.—The term 'Indian tribal area' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village, urban or regional, recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(9) INDIAN TRIBAL REDEVELOPMENT.—The term 'Indian tribal redevelopment' means any project or program which is designed to improve the health, education, and economic conditions of the citizens of Indian tribes or of the citizens of Indian reservations that are located in Indian areas.

"(13) Threat.—The term 'threat' means the assessed potential, intent, and capability of an adversary to implement an identified attack scenario.

"(14) Vulnerability.—The term 'vulnerability' means to which a system is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.

(2) Definition of emergency response providers.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking 'includes' and all that follows and inserting 'includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.'.

"Sec. 2007. Definitions''.


"Sec. 2004. Task Force on Essential Capabilities''.

"Sec. 2003. Essential capabilities for homeland security''.

"Sec. 2002. Covered grant eligibility and criteria''.

"Sec. 2001. Risk-based funding for homeland security''.

It is our hope and intent that, by introducing this bill, we can positively contribute and enrich the public discourse on this critical issue, and help move the Nation toward a more rational and effective distribution of our homeland security dollars.

Continuing to spread Homeland Security funds throughout the Nation—irrespective of the actual risk to particular states and communities—would be to waste taxpayer dollars. The legislation as part of our effort to assess our vulnerabilities since the attacks of September 11. So I would urge that we swiftly work to pass this legislation, to better ensure the safety of our citizens.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 609. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, today I join with my colleagues, Senator OLYMPIA SNOWE and Vice-Chairman TED STEVENS, to re-introduce the Antideficiency Act to protect the Universal Service Program.

This is a bipartisan effort to ensure that all of the fundamental universal service program can continue to operate smoothly and effectively. Last year, this legislation garnered the support of 55 members, and I hope that it will gain additional support in the 110th Congress. It is also important to note that the House also has a similar bipartisan legislation.

For many years, I have fought hard for the universal service program, the E-Rate. It is essential for all of the universal service programs to operate in a timely manner.

The Universal Service Fund is accomplishing its mission. Our country has a strong telecommunications network, and rural customers are getting service at affordable rates. Lifeline and Linkup programs help the poorest of customers keep basic telephone access which is essential in our modern world.

Rural health care is helping connect our rural clinics to modern medicine and specialists.

Over the past decade, the E-Rate discounts have helped to connect our classrooms and our libraries to the Internet and modern technology. In 1996, when the Telecommunications Act passed, only 14 percent of class-rooms were connected, and just 5 percent of the poorest classrooms were connected. The latest data is encouraging with 93 percent of all classrooms connected and 89 percent of the poorest classrooms connected. Since 1998, West Virginia schools and libraries have received over $70 million in E-Rate discounts. While this is extraordinary success, the need for E-Rate discounts remains because schools and libraries
face monthly telecommunication costs and Internet access fees. Every school and library will periodically need to upgrade its internal connections.

This legislation gives the Universal Service Fund a permanent exemption from the Antideficiency Act. The last six years we have done one year exemptions. It makes good sense to enact a long term solution for the Universal Service Fund.

By Mr. ROCKEFELLER:

S. 610. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans’ Affairs.

Mr. ROCKEFELLER. Mr. President, today, I am introducing a bill to change an unfair administrative decision that hurts aging, retired VA nurses. Nurses were designed to be a problem from legislation enacted in 2001, to help VA nurses’ retirement. That legislation improved nurses’ pensions, and Congress intended it to be retroactive. Unfortunately, administrative officials took a very narrow view of the legislation, and currently VA nurses, who retired between 1986 and 2002, do not get the full pension benefits as current retirees do.

In the 1980s, VA aggressively recruited nurses to fill a huge need at VA medical centers by promising full retirement for part-time work. At the time, nurses joined the VA, and they believed in the promise.

Sadly, the VA and the Office of Personnel Management (OPM) will not fulfill that promise. This legislation would explicitly require the Federal Government to honor its commitment to our retired VA nurses. Pension benefits are a vital promise. It is disturbing when we do not fulfill our obligations, and we simply must correct this error.

Nurses play a critical role in our health care system, including the VA. Recruiting and retaining nurses is important, and this pension shortfalls do not help. It is time to deliver full pension benefits to the retired nurses who cared for our veterans, but sadly retired in the wrong years, between 1986 and 2002.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 613. A bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, this legislation authorizes the creation of a civilian readiness corps to address post-conflict situations and other emergencies overseas. The Senate already embraced the creation of such a corps when it unanimously passed S. 3322 last June. Unfortunately, however, that bill introduced by Senator BIDEN and me and co-sponsored by Senators HAGEL, ALEXANDER and WARNER languished in the House of Representatives. We have hopes that the 110th Congress will now bring this idea to fruition.

In his State of the Union address last month, the President endorsed the need for such a corps:

"A second and equally important goal we can take on together is to design and establish a volunteer Civilian Reserve Corps. Such a corps would function much like our military reserve. It would ease the burden on the Armed Forces by allowing us to hire civilians with critical skills to serve on missions abroad when American needs them. It would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time." President Bush, January 23, 2007, State of the Union speech, Washington, DC.

The legislation I am introducing today is an updated version of S. 3322. It is the result of a conversation begun in 2003 between Members of the Senate Foreign Relations Committee and the State Department. The concept has gone through a number of evolutions and has passed the Committee unanimously both as a free-standing bill and as part of the State Department authorization bill. I am now working again on this bill as a free-standing bill and send it to the House with our unanimous approval.

International crises are inevitable, and in most cases, U.S. national security interests will be threatened by sustained instability. The war on terrorism necessitates that we not leave nations crumbling and ungoverned. We have already seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a global black market in weapons.

In this international atmosphere, the United States must have the right structures, personnel, and resources in place when an emergency occurs. A delay in our response of a few weeks, or even days, can mean the difference between success and failure. Clearly we need a full range of tools to prevail. Our Committee’s focus has been on boosting the civilian side of our stabilization and reconstruction capabilities, while encouraging improved mechanisms for civilian and military agencies to work together on these missions.

Those who were once unconvinced of the need for such a corps have only to look at our experience in Iraq and Afghanistan to understand its value. The need for such a corps is clear. We need to have a 250-person active duty component to look after critical USAID and embassy needs. We need to have a 2,000-person standby component drawn from both State and USAID, but also from other Federal agencies that have employees who are willing to volunteer and have the necessary skills. We need to build an effective corps. But now it is time for the Office to recruit, train, and organize the corps so that we have deployable units.

We need to have a 250-person active duty corps for the Office of the Coordinator of Reconstruction and Stabilization that was established in July of 2004. The Office has already done a great deal of the preliminary work needed to build an effective corps. But now it is time for the Office to recruit, train, and organize the corps so that we have deployable units.

The 250-person active duty personnel should include people with skills that are more technical than the broader diplomatic requirements—civil engineering, police expertise, agricultural knowledge, health, education, and political organization. They should have experience in difficult situations overseas. They should be trained for rapid deployment with the military for both initial assessments and programming purposes. They would be the first civilian team on the ground in post-conflict situations, probably well before the establishment of an embassy.

Such a 250-person corps would be no larger than a typical army company. But it would be a force multiplier. It would be equipped with the authority and training to take responsibility for stabilization missions. Establishment of such a corps is a modest investment when seen as part of the overall national security budget. Even in peace time, we maintain active duty military forces of almost 1.4 million men and women who train and plan for the possibility of war. Given how critical post conflict situations have been to American national security in the last decade, I believe it is reasonable to have a mere 250 civilians who are trained and capable of being deployed anywhere in the world, at any time they may be needed.
Congress must now be willing to provide the funding to make this corps a reality. This legislation authorizes a $75 million crisis response fund to be made available as a contingency for stabilization and reconstruction crises. Of this amount, the administration is authorized to spend $25 million for the organization, training, and emergency deployment of the response corps. This legislation authorizes the crisis response fund and $80 million for the operations of the new State Department office and the active duty component, including training, equipment, and travel.

We have a long way to go in creating the kind of robust civilian capacity that we need. Both the State Department and the Defense Department are keenly aware of the importance of this legislation. If we cannot plan better as a government, the United States may come to depend even more on our military for tasks and functions far beyond its original purpose. I remind us that a strong and reliable civilian component that boosts our stabilization and reconstruction capabilities. Passing this legislation once again will demonstrate that there is a keen understanding in the Senate that we need to move forward. It will support executive branch actions already taken and encourage further progress. We hope that our friends in the House of Representatives, whom are considering introducing their own legislation, will move forward with the Senate in this endeavor. I urge adoption of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 1. SHORT TITLE.
This Act may be cited as the "Reconstruction and Stabilization Civilian Management Act of 2007".

SEC. 2. FINDING; PURPOSE.
(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this Act is to provide for the continued development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian corps to carry out reconstruction and stabilization activities in a country or region that is at risk of, in, or in transition from, conflict or civil strife.

SEC. 3. DEFINITIONS.
In this Act:
(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.
(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means:
(A) the Committee on Foreign Relations of the Senate; and
(B) the Committee on Foreign Affairs of the House of Representatives.
(3) DEPARTMENT.—Except as otherwise provided in this Act, the term "Department" means the Department of State.
(4) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 105 of title 5, United States Code.
(5) SECRETARY.—The term "Secretary" means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.
It is the sense of Congress that—
(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future reconstruction and stabilization activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife;
(2) the capability of civilian agencies of the United States to carry out rapid reconstruction and stabilization activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts provided by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;
(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies, should be encouraged to participate in planning and organizing reconstruction and stabilization activities in such countries or regions;
(4) the executive branch has taken a number of steps to strengthen civilian capability, including the establishment of an office headed by a Coordinator for Reconstruction and Stabilization in the Department, the Presidential designation of the Secretary as the interagency coordinator and leader of reconstruction and stabilization efforts, and Department of State and Defense directives to the military to support the Office of Reconstruction and Stabilization and to work closely with counterparts in the Department of State and other civilian agencies to develop and enhance personnel, training, planning, and analysis;
(5) the Secretary and the Administrator should work with the Secretaries of Defense to augment existing personnel exchange programs among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and
(6) the heads of other executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

SEC. 5. AUTHORITY TO PROVIDE ASSISTANCE FOR CONSTRUCTION AND STABILIZATION CRISIS.
Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.
(a) ASSISTANCE.—In general.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provisions of law, and on conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

(2) FUNDS.—The funds referred to in this paragraph are as follows:
(A) Funds made available under this section, including funds authorized to be appropriated by subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 provisions of this Act and transferred or reprogrammed for purposes of this section.
(B) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 provisions of this Act and transferred or reprogrammed for purposes of this section.

(c) AVAILABILITY OF FUNDS FOR RESPONSE READINESS CORPS.—Of the funds made available under this section for the purpose described in subsection (a), including funds authorized to be appropriated by subsection (d) and funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section, $25,000,000 may be made available for expenses related to the development, training, and operations of the Response Readiness Corps established under section 614(a)(3) of the State Department Basic Authorities Act of 1956.

(d) AUTHORIZATION OF APPROPRIATIONS.—''(1) AUTHORIZATION.—Funds made available under this section are authorized to be appropriated $75,000,000 to provide assistance authorized in subsection (a) and, to the extent authorized in subsection (c), for the purpose described in subsection (c). Such amount is in addition to amounts otherwise made available for purposes of this section, including funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

(2) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended under this section.

(3) AVAILABILITY.—Funds authorized to be appropriated under this subsection shall be available without limitation for purposes of this section.

SEC. 6. OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.
Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

SEC. 61. RECONSTRUCTION AND STABILIZATION.
(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador at Large.

(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization include the following:

(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability
worldwide to anticipate the need for mobili-
izing United States and international assist-
ance for the stabilization and reconstruction of
countries or regions that are at risk of, in,
or are in transition from, conflict or civil strife.

(“B) Assessing the various types of sta-
bilization and reconstruction crises that could result in the deploy-
ment of the non-military resources and capabilities of
Executive agencies that are available to
address such crises.

(“C) Developing training needs and
methods to address requirements, such as demobilization, policing, human
rights monitoring, and public information,
that commonly arise in stabilization and re-
construction activities.

(“D) Coordinating with relevant Executive
agencies (as that term is defined in section
165 of title 5, United States Code) to develop
interagency contingency plans to mobilize
and deploy civilian personnel to address
the various types of such crises.

(“E) Entering into appropriate arrange-
ments with other Executive agencies to
carry out activities under this section and
the Reconstruction and Stabilization Civil-

(“F) Establishing a Civilian Reserve in State
and local governments and in the private sector
who are available to participate in the Re-
response Readiness Corps established under
subsections (a) through (d) to take on-site
needs assessment.

(“G) Taking steps to ensure that training
of civilian personnel to perform such sta-
bilization and reconstruction activities is
adequate and, as appropriate, includes secu-
ritv training that involves exercises and sim-
ulations with the Reserve Forces, including
the regional commands.

(“H) Sharing information and coordinating
plans for stabilization and reconstruction ac-
tivities, including with the United Na-
tions and its specialized agencies, the North
Atlantic Treaty Organization, nongovern-
mental organizations, and other foreign na-
tional and international organizations.

(“I) Coordinating plans and procedures for
civilian-civilian operations with re-
spect to stabilization and reconstruction ac-
tivities.

(“J) Maintaining the capacity to field on
short notice an evaluation team to under-
take on-site assessments.

(“b) Response to Stabilization and Re-
construction Crisis.—If the President
makes a determination regarding a stabiliza-
tion and reconstruction crisis under section
618 of the Foreign Assistance Act of 1961, the
President may designate the Coordinator, or
such other individual as the President may
determine appropriate, as the Coordinator
of the United States response. The individual
so designated, or, in the event the President
does not make such a designation, the Coor-
динator for Reconstruction and Stabiliza-
tion, shall—

(“i) assess the immediate and long-term
need for resources and civilian personnel;

(“ii) mobilize non-military re-
sources to respond to the crisis; and

(“iii) coordinate the activities of the other
individuals or management team, if any, des-
ignated by the President to manage the
United States response.”

SEC. 7. RESPONSE READINESS CORPS.

(a) In General.—Section 61 of the State
Department Basic Authorities Act of 1956 (as
added by section 6) is amended by adding at
the end the following new subsection:

“(c) RESPONSE READINESS CORPS.—

(“I) In general.—The Secretary, in con-

sultation with the Administrator of the United
States Agency for International De-
velopment and the heads of other appro-
 priate departments and agencies of the
United States Government, is authorized
to establish and maintain a Response Readiness
Corps (hereafter referred to in this sub-
section as the ‘Corps’) to provide assistance
in support of stabilization and reconstruc-
tion activities in foreign countries or regions
that are at risk of, in, or are in transition from,
conflict or civil strife.

(“II) FEDERAL COMPONENTS.—

(“A) ACTIVE AND STANDBY COMPONENTS.—

The Corps shall have active and standby
components of the United States Gov-
ernment personnel as follows:

(“i) An active component, consisting of
more than 200 personnel who are recruited,
employed, and trained in accordance with
this paragraph.

(“ii) A standby component, consisting of
not more than 2000 personnel who are re-
cruited and trained in accordance with this
paragraph.

(“B) AUTHORIZED MEMBERS OF STANDBY
COMPONENT.—Personnel in the standby com-
ponent of the Corps may include employees
of the Department of State (including For-

given Service Nationals), employees of the
United States International De-
velopment, employees of any other executive
agency (as that term is defined in section
165 of title 5, United States Code), and employ-

ees of the legislative branch and judicial branch
of Government.

(“i) who are assigned to the standby com-
ponent by the Secretary following nomina-
tion for such assignment by the head of the
department or agency of the United States
Government concerned or by an appropriate
official of the legislative or judicial branch
of Government, as applicable; and

(“ii) who—

(“A) have the training and skills necessary
to contribute to stabilization and reconstruc-
tion activities; and

(“B) have volunteered for deployment to
carry out stabilization and reconstruction
activities.

(“C) RECRUITMENT AND EMPLOYMENT.—The

employment and recruitment of personnel to
the Corps shall be carried out by the Sec-

dary, the Administrator of the United
States Agency for International De-

development, and the heads of the other depart-
ments and agencies of the United States
Government participating in the establish-
ment and maintenance of the Corps.

(“D) TRAINING.—The Secretary is author-
ized to establish a training and educa-

tion curriculum that should include the follow-
ing:

(“E) COMPOSITION.—Beginning not later
than February 15, 2007, the Secretary
shall—

(“F) The Secretary of Defense, in consultation
with the Administrator of the United States
Agency for International Development and
the heads of other appropriate departments
and agencies of the United States
Government, shall—

(“G) COMPENSATION.—Members of the ac-

tive component of the Corps under para-

graph (3), in support of stabilization and re-

construction activities in a foreign country
or region if the President makes a deter-

mination regarding a stabilization and re-

construction crisis under section 618 of the
Foreign Assistance Act of 1961.”

(b) Employment Authority.—The full-
time personnel in the active component of the
Response Readiness Corps under section
61(c)(2)(A)(i) of the State Department Basic
 Authorities Act of 1956 (as added by sub-
section (a)) are in addition to any other full-
time personnel of the Department or the
United States Agency for International De-
velopment authorized to be employed under
any other provision of law.

(c) Report.—Not later than 180 days after
the date of the enactment of this Act, the
Secretary shall submit to the appropriate congressio-
nal committees a report on the status of efforts to establish the Response
Readiness Corps under this section. The re-
port should include recommendations for
any legislation necessary to implement sec-
tion 61(c)(2)(A)(i) of the State Department Basic
Authorities Act of 1956 (as so added).

SEC. 8. STABILIZATION AND RECONSTRUCTION
TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of
1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as sub-

section (h); and

(2) by inserting after subsection (f) the fol-

lowing new subsection:

“(g) STABILIZATION AND RECONSTRUCTION
CURRICULUM.—

(E) ESTABLISHMENT AND MISSION.—The Sec-

retary, in cooperation with the Secretary of
Defense and the Secretary of the Army, is
authorized to establish a stabilization and
reconstruction curriculum for use in pro-
grams of the Foreign Service Institute,
the National Defense University, and the
United States Army War College.

(F) CURRICULUM CONTENT.—The cur-

riculum should include the following:

“(A) An overview of the global security en-

vironment, including an assessment of the
national threats and an analysis of United States policy options to address such
threats.

“(B) A review of lessons learned from prev-

ious United States and international ex-
periences in stabilization and reconstruction activities.

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SEC. 9. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 61(c) of the State Department Basic Authorities Act of 1956 (as added by section 5108(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006) and the allied experience in acquiring and maintaining the stabilization and reconstruction curriculum established under section 70(g) of the Foreign Service Act of 1980 (as added by section 5108(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006) and the applicable requirements of this Act, the applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to facilitate the carrying out of this Act, (1) accept service from an individual that such benefits and privileges are extended to members of the Foreign Service.

(c) COMPENSATORY TIME.—Notwithstanding any law administered by the Secretary, or the head of another executive agency as authorized by the Secretary, may, subject to the consent of an individual who is assigned, detailed, or deployed to any such services, for any purpose of the Volunteer Protection Act of 1992 (22 U.S.C. 4064) for annuitants under the Civil Service Retirement System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife during the period of their reemployment.

(2) NOT EMPLOYEES.—Individuals performing services under contracts described in paragraph (1) shall not be, by virtue of performing such services, considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or Administrator may determine the applicability to such individuals of any law administered by the Secretary or Administrator concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to facilitate the carrying out of this Act, without regard to the limitations on premium pay set forth in section 8344(h) of title 5, United States Code, the Secretary or the head of another executive agency, as authorized by the Secretary, or the administrator of such agency, as authorized by the Secretary, may, subject to the consent of an individual that such benefits and privileges are extended to members of the Foreign Service.

(c) COMPENSATORY TIME.—Notwithstanding any law administered by the Secretary, or the head of another executive agency as authorized by the Secretary, may, subject to the consent of an individual who is assigned, detailed, or deployed to any such services, for any purpose of the Volunteer Protection Act of 1992 (22 U.S.C. 4064) for annuitants under the Civil Service Retirement System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife during the period of their reemployment.

By Mr. Lautenberg (for himself, Mr. Biden, Mr. Menendez, Mr. Reid, Mrs. Clinton, Mr. Kennedy, Mr. Dodd, Mr. Lieberman, Mr. Feingold, and Mr. Coburn)
S. 615. A bill to provide the non-immigrant spouses and children of non-immigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE. Title I of this Act shall be known as the “September 11 Family Humanitarian Relief and Patriotism Act”.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NON-IMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISONS.—

(A) IN GENERAL.—In the case of an alien described in paragraph (1)(b) who is applying for adjustment of status under this section—

(i) the provisions of section 214(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1115(a)(5)) shall not apply; and

(ii) the Secretary of Homeland Security may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (B) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(ii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN OTHER ACTS.

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or otherwise expelled from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary of Homeland Security grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order described in subparagraph (A) shall continue in effect unless the applicant seeks and obtains judicial review.

(2) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to an order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States and was described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States and was described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to an order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary of Homeland Security shall provide by regulation for an alien who has applied for cancellation of removal under subsection (a) to engage in employment during the pendency of such application.

(3) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations prescribed in an alien’s conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this Act may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary of Homeland Security shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. 3. CANCELLATION OF REMOVAL FOR CERTAIN NON-IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Notwithstanding any provision of this Act, the Secretary of Homeland Security shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this Act, the term ‘specified terrorist activity’ means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

By Ms. COLLINS (for herself and Mr. FRIENGOLD):
ensure non-discrimination in health coverage in the group market. This rule was issued jointly on January 8, 2001, by the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration—now the Centers for Medicare and Medicaid Services—in accordance with the Health Insurance Portability and Accountability Act, HIPAA, of 1996.

While I was pleased that the rule prohibits health plans and issuers from denying coverage to individuals who participate in certain types of recreational activities, such as skiing, horseback riding, snowmobiling or motorcycling, I am concerned that it would allow insurers to deny health benefits for an otherwise covered injury that results from participation in these activities.

The rule states that “While a person cannot be excluded from a plan for engaging in certain recreational activities, benefits for a particular injury cannot be denied based on the source of the injury.” Anyone could, for example, include a general exclusion for injuries sustained while doing a specified list of recreational activities, even though treatment for those injuries—a broken arm, for instance—have been covered under the plan if the individual had tripped and fallen.

Because of this loophole, an individual who was injured while skiing or running could be denied health care coverage while someone who is injured while drinking and driving a car would be protected.

This clearly is contrary to Congressional intent. One of the purposes of HIPAA was to prohibit plans and issuers from establishing eligibility rules for health coverage based on certain health-related factors, including evidence of insurability. To underscore that point, the conference report language stated that “the inclusion of evidence of insurability in the definition of health status is intended to ensure, among other things, that individuals are not excluded from health care coverage due to their participation in activities such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing and other similar activities.” The conference report also states that “this provision is meant to prohibit insurers or employers from excluding employees in a group from coverage or charging them higher premiums based on their health status and other related factors that could lead to higher health costs.”

Mr. PRESIDENT, millions of Americans participate in these legal and common recreational activities which, if practiced with appropriate precautions, do not significantly increase the likelihood of serious injury. Moreover, in enacting HIPAA, Congress simply did not intend that people would be allowed to purchase health insurance only after the fact that they have no coverage for an injury resulting from a common recreational activity. If this rule is allowed to stand, millions of Americans will be forced to forgo recreational activities that they currently enjoy lest they have an accident and find out that they are not covered for needed care resulting from that accident.

The legislation that we are introducing today will clarify that individuals participating in activities routinely enjoyed by millions of Americans cannot be denied access to health care coverage or health benefits as a result of their activities. The bill should not be controversial. In fact, it passed the Senate by unanimous consent at the end of the 108th Congress. I am therefore hopeful that we will be able to move quickly on this legislation this year, and I urge all of my colleagues to join us as cosponsors.

By Mr. SMITH:

S. 617. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Energy and Natural Resources.

Mr. SMITH. Mr. President, I rise today to introduce the Veterans Eagle Parks Pass Act. This legislation would provide admission to any Federal park that charges an admissions fee by creating a yearly pass for honorably discharged veterans.

I am pleased to continue the efforts of my colleague Congressman THOMAS REYNOLDS, who performed yeoman’s work to introduce and push forward this legislation in the House of Representatives.

Currently, an annual America the Beautiful lands pass is available to anyone for eighty dollars. My legislation would allow honorably discharged veterans to buy an annual pass for only ten dollars. I feel very strongly that those who fought so hard to protect our great nation should have better and easier access to its public lands. It is only fitting to offer our veterans improved entrance to America’s great public lands like Yosemite National Park in California, Fort Sumter National Monument in South Carolina, Arthur R. Marshall Loxahatchee National Wildlife Refuge in Florida, and Crater Lake National Park in my home State of Oregon.

America’s terrain is diverse, from flat plains to high mountains, raging rivers to still lakes. Our country is truly bountiful. Many veterans are avid outdoorsmen and understand the value and quality of our land. In a time of such turmoil abroad, I see no more appropriate opportunity to reward our veterans for their commitment and service to our nation.

I am pleased that this legislation has received the support of the American Legion, AMVETS, and Veterans of Foreign Wars. We have veterans to provide them with this service.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. LOTT, Mr. REID, and Mr. COCHRAN):

S. 618. A bill to further competition in the insurance industry; to the Committee on the Judiciary.
antitrust laws for more than six decades. Assuming there ever was a justification to exempt insurers from Federal Government oversight, I find it hard to believe there is still a reason to exempt them—not in the age of instant communication, the age of the Internet, or a world in which companies compete on risks but payments. In fact, we need real oversight, which can be brought about by removing them from the antitrust exemption. We deserve confidence that the industry is not engaging in the kind of Sherman Act violations that are competitive conduct, such as price-fixing, agreements not to pay, or market allocation.

Antitrust laws are the beacon of good competition policy. Insurers may object to being subject to the same antitrust laws as everyone else, but why shouldn’t they be subject to the same laws as every other company in this country? If they are operating in an honest and appropriate and open way, they have nothing to fear. I think this is a significant step forward, and I am pleased to introduce today a bipartisan measure that will end the insurance industry’s exemption from the requirements of those laws.

I am joined in this effort by the ranking member of the Senate Judiciary Committee who has led efforts to support anticompetitive competition in every industry through our antitrust laws. I am joined as well by Senator Reid and Senator Lott. Senator Lott in the Gulf coast residents who can speak personally, and pain-fully, to the abuses that insurers can wreak on their policy holders. Insurers industry practices affect all of us. They affect each of our constituencies. They affect every business in every state. But perhaps nowhere has the industry and its practices imposed a much scrutiny as along the gulf coast in the wake of Hurricane Katrina and Rita. Insurers have been too often denying claims and delaying pay- outs to the gulf coast residents in order of honoring their contractual commitments to their customers, and thereby contributing to the rebuilding and rejuvenation of the area.

The behavior of insurers in Mississippi has been so outrageous that the state’s attorney general recently convened a grand jury to investigate certain practices. Hundreds of policyholders had to go to court to force the insurance companies to fulfill their obligations.

It seems some insurance companies are eager to collect premiums when times are good, but reluctant to aid policyholders when tragedy strikes. Senator Specter knows all too well the dif-ficulties his constituents have had with insur-ers. His state was hit hard by Hurricane Katrina, and I commend him on his tireless efforts to ensure that resources are in place to rebuild. I have worked with him in other contexts to support efforts to rebuild the Gulf coast. And I was honored to have assisted Senator Landrieu in her suc-cussful efforts to convince the attorney gen-eral to dispatch additional law enforcement to the New Orleans area.

Our fellow citizens on the gulf coast who have had to cope with the devastation and destruction of the 2005 hurricanes, and who were utterly failed by their woefully underpaid government, should not also be bullied or neglected by insurance companies in their time of need—insurance companies whose business is based on compensating people after a tragic loss.

Unfortunately, the insurance industry has operated largely beyond the reach of federal antitrust laws for more than six decades. If there ever was, there is no longer any justifica-tion to exempt the insurance industry from federal government oversight. Such oversight could provide confidence that the industry is not engaging in the most egregious forms of anticompetitive con-duct—price fixing, agreements not to pay, and market allocation.

The Insurance Industry Competition Act we introduce today will simply give the De-partment of Justice and the Federal Trade Com-mission the authority to apply the antitrust laws to anticompetitive behavior by in-surance companies. Our antitrust laws are the beacon of good competition policy. Com-petition is good for consumers and good for our economy.

Insurers may object to being subject to the same antitrust laws as everyone else, but if they are operating in an honest and appro-priate way, they should have nothing to fear. American consumers and American busi-nesses are integral part of our economy—and they have the right to be confident that the cost of their insurance, and the decisions by their insurance carriers about which claims will be paid, reflect com-petitive market conditions, not collusive be-havior.

I thank Senator Reid and Senator Specter for joining me in this important effort. And I thank Senator Lott for his support, and for using the lessons of his constituents’ experi-ences to shed light on an industry that for too long, in too many ways has been out of the reach of federal antitrust authorities.

Mr. LEAHY. Mr. President, I see the Senator from Mississippi on the floor and the Senator from Pennsylvania. If they are seeking time, I would ask how much time they need.

Mr. LOTT. Mr. President, I wish to withdraw until the Senator from Penn-sylvania makes his brief remarks.

Mr. LEAHY. How much time does the Senator from Pennsylvania want? Because this is coming out of time I had set aside for other purposes.

Mr. SPECTER. Less than 5 minutes.

Mr. LEAHY. I yield 5 minutes to the Senator from Pennsylvania.

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

Mr. SPECTER. Mr. President. I thank my distinguished colleague from Vermont.

As noted earlier, legislation was in- troduced in the last Congress by Sen-ator Leahy and myself and others to deal with the McCarran-Ferguson Act. We held hearings on this matter in the Judiciary Committee. On recent matters which have evolved from Hurricane Katrina, which will be amplified by the distinguished Senator from Mississippi, Mr. Lott, there is a more pressing need to enter into this arena.

There have been various attempts over the years to limit McCarran-Fer-gerson, and they have not succeeded be-cause, as amplified in a more detailed statement which I will include for the RECORD, there were safe harbors pro-posed. They became very complicated. We have provided in this legislation that the Commission is to be able to violate the antitrust laws, a line which has been successful on the health industry.

The economy of the United States functions much better when the anti-trust laws are available and enforce-able. We see a great many problems at the present time with what is happening with the sports teams. The Na-tional Football League enjoys a limited antitrust exemption, and they are fighting the Sunday ticket to DIRECTV, which has a monopoly. Cable companies can’t get the Sunday ticket. They now have the Thursday to Saturday ticket. It is only on the NFL channel. I had a talk with the commis-sioner of the NFL recently, who was living in New York City, and he couldn’t get the Sunday ticket because his highrise wouldn’t allow him to put a dish on top of the building.

May I note for the record the distin-guished junior Senator from Montana as he is in the affirmative. He lives in an area—now he is smiling. He lives in an area where you need a satellite, and his constituents do, and some of mine in Pennsylvania do, and in my home State of Kansas. Now baseball is coming along with extra innings and exclusive to DIRECTV.

The impact of the antitrust exemp-tion on the insurance industry has been even more profound. But it is noted when we have the Federal Trade Commission authorized to issue guide-lines, it identifies the antitrust concerns where the antitrust concerns ought to be addressed, that is the way to approach it, as the Federal Trade Com-mission did in the health care industry. I think this is a significant step forward, and I am glad to see that the ma-jority leader, Senator Reid, is behind this legislation. We can pass it out of committee, we can take it up on the Senate floor, and I think we can provide better protection for the American consumers.

Mr. President, I ask unanimous con-sent that the full text of my statement be included in the RECORD.

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

INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT OF 2007

Mr. SPECTER. Mr. President, the Insur-ance Industry Antitrust Enforcement Act of 2007 would subject the insurance industry to the antitrust laws in almost every other industry in America. Congress enacted the McCarran-Ferguson Act in 1945.
In response to a controversial Supreme Court case in which the Court held that the business of insurance constituted interstate commerce. That ruling opened the door to federal regulation of a business that had historically been regulated and taxed by the states. McCarran-Ferguson reaffirmed the power of the states to regulate and tax insurance companies.

In doing so, Congress exempted the insurance industry practices from antitrust scrutiny—except that such practices be "regulated by state law." Since then, the courts have liberally interpreted the phrase "regulated by state law." They have held that if certain insurance practices are prohibited by state antitrust laws so long as regulators have been given jurisdiction over the challenged practices—regardless of whether the relevant state jurisdiction has been acquiesced.

Over the years, state regulators have either chosen not to regulate, or failed to regulate, practices that would have violated the antitrust laws absent McCarran-Ferguson. With McCarran-Ferguson, such practices escape both regulatory and federal antitrust oversight. The most notorious practices to come to light were the kick-back and "commissioner allocation" by insurance broker Marsh & McLennan and several of the nation's largest insurers. Under the scheme, Marsh steered insurance business to clients that insured with those companies, so it could receive lucrative payoffs from them. To make the scheme work, Marsh solicited fictitious bids from other competing insurers to make the bid submitted by the selected insurer. This is a scheme that consumers are paying too much for insurance industry and to consumers. Too often, the economic benefits of antitrust enforcement agencies. To avoid such litigation. Rather than incorporating a laundry list of safe harbors, an approach that was taken in the past, the bill would allow the Federal Trade Commission to issue guidelines identifying joint practices that do not create antitrust concerns and would therefore not face scrutiny from antitrust enforcers.

This is a job for which the Commission is well equipped. In the past, the Commission along with the Justice Department issued "Statements of Antitrust Enforcement Policy in Health Care." The Health Care Statements identified joint conduct by health care providers that did not raise antitrust concerns and therefore would likely escape scrutiny from antitrust enforcers. The Health Care Statements were designed to give health care providers certainty about the legality of their joint conduct under the antitrust laws. Similar guidelines for the insurance industry would provide insurers with certainty, but at the same time, would ensure that joint practices that are anticompetitive receive scrutiny from the antitrust enforcement agencies.

Although many insurers oppose repeal of their antitrust exemption, some support a repeal. In particular, the Antitrust Section of the American Bar Association has long supported repeal. The Antitrust Commission, headed by the Commission's Executive Director, has also expressed support for repeal. Antitrust Section, Donald Klawiter noted the Section's nearly 20-year history of supporting repeal. Klawiter testified that "the benefits of antitrust enforcement almost never outweigh the potential harm imposed on society by the loss of competition." At the same hearing, Robert Hunter, testifying on behalf of the Federation of American Consumers of the Judiciary Committee, concluded that "application of the antitrust laws to the insurance industry could result in double-digit savings for America's insurance buying consumers." It is my hope that this legislation will bring the benefits of competition to the insurance industry.

Mr. LEAHY. Again, I agree with you in principle. I asked unanimous consent that my time be extended by 6 minutes, and that I be allowed to yield that 6 minutes to the Senator from Mississippi. Mr. SPECTER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me say at the beginning, I appreciate the courtesy of the Senator from Vermont and his comments on our effort here; also, my colleague from Pennsylvania, Senator SPECTER, whom I have discussed this issue with several times over the past year.

Let me begin at the beginning of this effort. Well, I think it is so many things in my life that go back only until August 29, 2005, when Hurricane Katrina devastated my hometown and the area of my State that I love so much, Mississippi and the gulf coast area. I had been active in years gone by actually in the insurance area. I had done some law practice in that area. I had done some response work, and I became steeped in the laws that apply to the industry because most of the time I was dealing with an automobile accident case or something of that nature.

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we deal on a national level with the coverage of people or how we help them recover? Do we need a national catastrophic insurance program? I don’t know that I am satisfied I know the answer yet, but I think we need to ask that question and we need to have a discussion over the years about the McCarran-Ferguson Act, but I never focused on it. When I realized that ratesetting and actually policy actions by the industry were not covered by antitrust laws, I was stunned. I understand you need a lot of information to decide on rates, but that information can be used back and forth to in effect set rates as an industry without making sure that it is not done in an anticompetitive way. Do you mean that under this exemption, that companies could collude on what actions they take or, even worse, what actions they don’t take, which is what we got into after Hurricane Katrina? We had companies basically saying: Oh, no, no, you are covered by Federal flood insurance. We don’t have to pay under the household policies for wind damage.

So as I got into it, I found that this happened back in 1944. At that point, there was regulation of the insurance industry, but there was a case styled the United States v. South Eastern Underwriters Association which caused a change in how insurers were regulated. Then the Congress immediately acted and said: Oh, no, we are going to say that federal antitrust laws do not apply to this industry.

Soon the courts got into this issue and took a look at what happened. They looked at the record. There were no hearings in the Senate. It was passed in the House by voice vote and it went quickly through the House. The conference report was debated for 2 days by the Senate, and most of the debate, as I have looked at it, looks as though everybody thought this was going to be a temporary moratorium. However, that is not the way the courts have interpreted the laws.

Under the McCarran-Ferguson Act, insurers are exempt from antitrust scrutiny, so long as they are regulated by any of the 51 States. This is a patchwork of State laws: Do the States actively regulate them? Is there a process for antitrust activities to be considered?

Over the years, many have advocated the repeal of the antitrust exemption. The Judiciary Committee had hearings on this last summer. The American Bar Association’s antitrust section noted that the organization for nearly 20 years has supported repeal of this exemption. Look, there is a unique role for State insurance regulation, and it is important to have in place the provisions and needs in those States, but my question beyond that is: Should the Federal Government have the right to make sure there are not anticompetitive activities, to make sure there is no colluding? I think we need to take a serious look at that. This legislation would do that. It would take away that exemption. It would make the insurance industry subject to the same cov-

scription that is that the insurance industry is not covered by antitrust laws. They have a waiver, I said: How could that be? I re-

mended it in my book, but I did not push it as much as I probably should have.

I also found, to my absolute horror, something I should have known, which is that the insurance industry is not covered by antitrust laws. They have a waiver, I said: How could that be? I re-

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mended it in my book, but I did not push it as much as I probably should have.
S. 620. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. President, today I am introducing the third in a series of bills intended to support American companies and American workers. Earlier this week, I introduced a resolution which would set some minimum standards for future trade agreements into which our country enters, and legislation which would strengthen the Buy American Act. Today I am introducing legislation that would help workers who have lost their manufacturing or service-sector jobs to be retrained for jobs in high-demand health care fields. I am pleased that my colleague, Senator Mikulski, is cosponsoring this important legislation and I look forward to working with her to advance the 110th Congress.

According to statistics from the Department of Labor, Wisconsin has lost over 90,000 manufacturing jobs between January 2000 and November 2006. Nationally, the country has lost around 3 million manufacturing jobs since January 2001, yet the administration has continued to support policies that lead to the outsourcing of American jobs. I continue to be deeply troubled by the Bush Administration’s contention that the outsourcing of American service sector and other jobs is good for the economy. I am concerned about the message that this policy sends to Wisconsin and all Americans who are currently employed in advanced manufacturing.

There is something of a silver lining to the looming cloud of manufacturing and other jobs loss: the country’s workforce development system. In spite of stretched resources and long waiting lists for services, our workforce development boards are making a tremendous effort to retrain laid-off workers and other job seekers for new jobs. And this effort is clearly evidenced, where my State has lost around 3 workforce development boards—despite shoestring budgets—are leading the way in finding innovative solutions to retraining workers for new careers.

I strongly support the work of these agencies, and have urged the Administration and Senate appropriators to provide adequate funding for the job training programs authorized by the Workforce Investment Act. I look forward to the reauthorization of the Workforce Investment Act this year and I will continue to work to ensure that the workforce development boards in my state and across our country receive the resources that they need to help job seekers get the training they need to be successful.

I am committed to finding resources to retrain those who have been laid off from the manufacturing and service sectors and who wish to find new jobs in high-demand fields such as health care.

As most of my colleagues know all too well, we are facing a significant shortage of health care workers. Congress has made some progress in addressing the nursing shortage, but we need to expand our efforts. Shortages of health professionals pose a real threat to the health of our communities by impacting access to timely, high-quality health care. Studies have shown that shortages of nurses in our hospitals and health facilities increase medical errors, which directly affects patient health.

As our population ages, and the baby boomers need more health care, our need for all types of health professionals is only going to increase. This is particularly true for the field of long-term care. According to the Bureau of Labor Statistics, we are going to need an additional 1.4 million nursing aides, home health aides, and other health professionals in long-term care before the year 2014. In total, there will be almost 1.7 million job openings in health care support occupations through 2012.

As our demand for health care workers grows, so does the number of jobs available within this sector. According to the Wisconsin Department of Workforce Development, the surging job growth in the health care sector will translate into a real need for workers, and real opportunity. In Wisconsin alone, there will be an additional 61,910 health care positions by 2014. This represents a 27 percent increase in jobs in health care by 2014.

Workforce development agencies in my home State of Wisconsin are already working to support displaced workers in their communities by training them for health care jobs, since there is a real need for workers in these fields. These agencies are helping communities get and maintain access to high-quality health care by ensuring that there are enough health care workers to care for their communities. As the executive officer of one of the workforce development boards in my State put it, “[t]here are simply not many good quality jobs to replace manufacturing jobs lost to rural communities. The medical professions, by offering a ‘living wage’ and good benefits, provide an excellent alternative to manufacturing for sustaining a higher, family-oriented standard of living.”

I believe we should support our communities in these efforts by providing them with the resources they need to establish, sustain, or expand these important programs. For that reason, today I am introducing the Community-Based Health Care Retraining Act.

This bill would amend the Workforce Investment Act to authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to create programs to retrain unemployed workers who wish to obtain new jobs in the health care professions. My bill would authorize $25 million for grants between $100,000 and $500,000, and, in the interest of fiscal responsibility, my legislation is fully offset.

This bill will help provide communities with the resources they need to run retraining programs for the health professions. The funds could be used for a variety of purposes, from increasing the capacity of our schools and training facilities, to providing financial support for workers who are in retraining programs. This bill allows for flexibility in the use of grant funds because I believe that communities know best about the resources they need from an efficient program to train laid-off workers who wish to obtain new jobs in the health care sector, we can both help unemployed Americans and improve the availability and quality of health care that is available in our communities.

I am pleased that this bill is supported by a variety of organizations that are committed to providing high-quality job training and health care services, including: the Wisconsin Association of Job Training Executives, the Wisconsin Hospital Association, Madison Area Technical College, the Northwest Wisconsin Concentrated Employment Program, the Workforce Development Board of South Central Wisconsin, the Bay Area Workforce Development Board, the Healthcare Workforce Network, the Southwest Wisconsin Workforce Development Board, Sauk County Development Corporation, the American Osteopathic Association, Omnis, the Fox Valley Workforce Development Board, and the West Central Wisconsin Workforce Development Board.

In order to ensure that our workers are able to compete in the new economy, we must ensure that they have the tools they need to be trained or retrained for high-demand jobs such as those in the health care field. My bill is a small step toward providing the resources necessary for this goal.

I will continue to work to strengthen the American manufacturing sector and to support those workers who have been displaced due to bad trade agreements and other policies that have led to the loss of American jobs.

I ask unanimous consent that the text of this bill be printed in the Record.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community-Based Health Care Retraining Act.”

SEC. 2. HEALTH PROFESSIONS TRAINING DEMONSTRATION PROJECT.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 285) is amended by adding at the end the following:

“(e) HEALTH PROFESSIONS TRAINING DEMONSTRATION PROJECT.—
“(1) DEFINITIONS.—In this subsection:

(A) COVERED COMMUNITY.—The term ‘covered community’ means a community or region that—

(i) has experienced a significant percent-

age decline in positions in the manufact-

uring or service sectors; and

(ii) is determined by the Secretary of Health and Human Services (in consultation with the medical community) to be an area with a shortage of health care professionals described in clause (i) or (ii) of subparagraph (C).

(B) COVERED WORKER.—The term ‘covered worker’ means an individual who—

(i) has terminated or laid off, or has received a notice of termination or layoff, from employment in a manufacturing or service sector; or

(ii) (aa) is eligible for or has exhausted en-

titlement to unemployment compensation; or

(bb) has been employed for a duration suf-

ficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 13(c), attachment to the workforce, but is not eligible for unemployment compensa-

tion due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(III) is unlikely to return to a previous in-

dustry or occupation; or

(ii) (I) has been terminated or laid off, or has received a notice of termination or layoff, from a manufacturing or service sector as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or

(ii) is employed in a manufacturing or service sector at a facility at which the em-

ployer has made a general announcement that such facility will close within 180 days.

(C) HEALTH CARE PROFESSIONAL.—The term ‘health care professional’—

(i) means an individual who is involved with—

(I) the delivery of health care services, or related services, pertaining to—

(aa) the identification, evaluation, and prevention of diseases, disorders, or injuries; or

(bb) home-based or community-based care;

(ii) the delivery of dietary and nutrition services; or

(iii) rehabilitation and health systems man-

agement training program because of lack of capac-

ity only by expanding the facility.

(ii) is determined by the Secretary of

Veterans Affairs.

(5) APPLICATIONS.—To be eligible to re-

ceive a grant under this subsection, an enti-

ty shall submit an application to the Secre-

tary at such time, in such manner, and

containing such information as the Secre-

tary may require, including, at a mini-

mum—

(A) a proposal to use the grant funds to estab-

lish or expand a training program in order to train covered workers for employ-

ment as health care professionals (including paraprofessionals);

(B) documentation demonstrating the need for the training and support services to be provided through the program;

(C) information describing the manner in which the entity will expend the grant funds, and the activities to be carried out with the funds;

(D) information demonstrating that the entity meets the requirements of paragraph (4); and

(E) with respect to training programs car-

ried out by the applicant, informa-

(i) on the graduation rates of the pro-

grams involved;

(ii) on the retention measures carried out by the applicant;

(iii) on the length of time necessary to complete the training programs of the appli-

cant; and

(iv) the number of qualified covered workers that are refused admittance into the training programs because of lack of capac-

it.

(6) SELECTION.—In making grants under paragraph (3), the Secretary, after consulta-

tion with the Secretary of Health and Human Services, shall—

(A) select information submitted by the eligible entities under paragraph (5)(E); and

(B) select eligible entities submitting applica-

tions that meet such criteria as the Secre-

tary of Labor determines to be appro-

priate; and

(ii) among such entities, the eligible enti-

ties serving the covered communities with the greatest need for the grants and the greatest potential to benefit from the grants.

(7) USE OF FUNDS.—

(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant for training and support services that meet the needs described in the application submitted under paragraph (5), which may include—

(ii) providing educational opportunities; or

(v) a health clinic or hospital;

(vi) a home-based or community-based care facility or program;

(vii) a health care facility administered by the Secretary of Veterans Affairs.

(8) FUNDING.—Of the amounts appro-

priated to, and available at the discretion of, the Secretary or the Secretary of Health and Human Services for programmatic and ad-

ministrative expenditures, a total of $25,000,000 shall be used to establish and carry out the demonstration project de-

scribed in paragraph (2) in accordance with this subsection.”.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. LIEBERMAN, and Mr. INOUYE):

S. 621. A bill to establish commis-

sions to review the facts and cir-

stances surrounding injustices suf-

fered by European Americans, Euro-

pean Latin Americans, and Jewish ref-

ugees during World War II; to the Com-

mittee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two fact-finding commissions: one commis-

sion to review the U.S. government’s treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. government’s treatment of Jewish ref-

ugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my colleagues Senator GRASSLEY, Mr. LIEBER-

man and INOUYE have joined me as co-

sponsors of this important bill. I thank them for their support. And I thank Congressmen WEXLER, who has been the unflagging champion of this legis-

lation in the House of Representatives.

The victory of America and its allies in the Second World War was a tri-

umph for freedom, justice, and human rights. The courage displayed by so

many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, at the same time that so many brave Americans fought for freedom in
Europe and the Pacific, the U.S. government was curtailing the freedom of people here at home. While, it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for those even many Americans have given their lives to defend. War tests our principles and our values. And as our Nation’s recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the basic freedoms guaranteed by the Constitution.

Many Americans are aware that during World War II, under the authority of Executive Order 9066, our government forced more than 100,000 ethnic Japanese from their homes and ultimately into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities behind behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful period was for the first time fully reviewed and the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

February 19, 2007, is the “Day of Remembrance,” the 65th anniversary of the signing of Executive Order 9066. On this day, we should remember the freedoms all of these individuals were forced to give up, and resolve never to make these mistakes again.

While I commend our government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, it behooves us all to recognize that it is time that the government also acknowledge the mistreatment experienced by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II

I urge my colleagues to join me in supporting the Wartime Treatment Study Act, and to allow this bill to become law as soon as possible. I have been seeking to enact this legislation for six years. It is time for a full accounting of this tragic chapter in our Nation’s history.

I ask unanimous consent that the text of the Wartime Treatment Study Act be printed in the RECORD.

Where being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 621
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE. This Act may be cited as the “Wartime Treatment Study Act.”

SECTION 2. FINDINGS. Congress makes the following findings:

(1) During World War II, the United States Government deemed as “enemy aliens” more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel. The wartime property rights of that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after the end of World War II, and re-patriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or returned to European nations. During World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States. During the 1930’s and 1940’s, the United States Government’s wartime treatment of Europeans and Latin Americans held in the United States was devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(5) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were subject to persecution or genocide and sought safety in the United States. During the 1930’s and 1940’s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admission to the United States.

(6) The United States Government should conduct an independent review to fully assess the justification for and the effect of the immigration policies during World War II, the United States Government’s wartime treatment of Jewish Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(7) The United States Government should conduct an independent review to fully assess the immigration policies during World War II, the United States Government’s wartime treatment of Jewish Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government’s policies. Many who suffered have already passed away and will never know of this effort.
SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term “during World War II” refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) The term “European Americans” refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hispanic American, Roumanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term “Italian Americans” refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term “German Americans” refers to United States citizens and resident aliens of German ancestry.

(D) HISPANIC AMERICANS.—The term “Hispanic Americans” refers to persons of Hispanic ancestry, including Spanish, Mexican, Puerto Rican, and Cuban Americans.

(E) LATIN AMERICAN NATION.—The term “Latin American nation” refers to any nation in Central America, South America, or the Caribbean.

TITLe I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (hereinafter in this title referred to as the “European American Commission”).

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of Hispanic Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman or, in the case of a tie, the Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and other expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government’s wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission’s review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2326, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9068, and that part of the Alien Enemies Act that establishes the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European American, Hispanics American, and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government’s decision to detain or intern such programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans, Hispanic Americans, and European Latin Americans and their communities.

(2) A comprehensive review of United States Government operations during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2326, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9068, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, travel and property restrictions, establishment of restricted areas, curfews, segregation, policies relating to the families and property that excludes and internes were forced to abandon, internment by American military, police relations, policies relating to European Americans, Hispanic Americans, and European Latin Americans and their communities.

(c) POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(1) Three Members of the European American Commission are authorized to—

(A) enter any place of incarceration, detention, or internment;

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(2) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned or exchanged.

(3) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and of public education related to the United States Government’s wartime treatment of European Americans and European Latin Americans during World War II.

(4) Enter into agreements with the Administrator of General Services for procurement of books, records, correspondence, memoranda, papers, and documents as the Commission may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate Federal department or agency to assist the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Military infinity and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the War Time Violation of Italian Americans Civil Liberties Act (Public Law 96–317; 50 U.S.C. App. 1981 note). For purposes of section 522a(b)(9) of title 5, United States Code (commonly known as the “Privacy Act of 1974”), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing competitive service, and without regard to the provisions of chapters 51 and 55 of title 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed an equivalent to the rate payable under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 5932 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption of any kind of civil service status or pay;

(4) enter into agreements with the Administrator of General Services for procurement of books, records, correspondence, memoranda, papers, and documents as the Commission may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate Federal department or agency to assist the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Military infinity and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the War Time Violation of Italian Americans Civil Liberties Act (Public Law 96–317; 50 U.S.C. App. 1981 note). For purposes of section 522a(b)(9) of title 5, United States Code (commonly known as the “Privacy Act of 1974”), the European American Commission shall be deemed to be a committee of jurisdiction.
of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator; (5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and (6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. FUNDING.
Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this title.

SEC. 106. SUNSET.
The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

(a) In General.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the "Jewish Refugee Commission").

(b) Membership.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.
(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.
(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) Terms.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) Representation.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) Meetings.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) Quorum.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) Chair.—The Jewish Refugee Commission shall elect a chairman and vice chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) Compensation.

(1) In General.—Members of the Jewish Refugee Commission shall serve without pay.
(2) Reimbursement of Expenses.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION

(a) In General.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) Scope of Review.—The Jewish Refugee Commission's review shall cover the period beginning December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to allow Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal, the benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) Field Hearings.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) Report.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 120 days after the date of enactment of this Act as the first meeting called pursuant to section 201(e).

(e) Meetings.—The President shall call the first meeting of the Jewish Refugee Commission not later than 90 days after the date of enactment of this Act.

(f) Quorum.—Four members of the Jewish Refugee Commission shall sit and act at such times and places, and request the attendance and testimony of such witnesses and to compel the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(g) Government Information and Co-Operation.—The Jewish Refugee Commission may acquire from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians between January 1939 and December 1945 (as provided in section 525(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"). The Jewish Refugee Commission shall be deemed to be a committee of Congress.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5302 of title 5, United States Code, if the employee is a Federal employee, and such detail shall be without reimbursement or interruption of loss of civil service status or privilege; (2) obtain the services of experts and consultants in accordance with the provisions of title 31 of such title; (3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption of loss of civil service status or privilege; and (4) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, and into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. FUNDING.
Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this title.

SEC. 206. SUNSET.
The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

By Mr. HARKIN (for himself, Mr. ENZI, Mr. FEINGOLD, Mr. THOMAS, Mr. DORGAN, Mr. BAUCUS, and Mrs. McCASKILL):

S. 622. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the “Competitive and Fair Agricultural Markets Act of 2007.”

Sponsors joining me in introducing this legislation are: Senators ENZI, FEINGOLD, THOMAS, DORGAN, BAUCUS and McCASKILL.

This legislation seeks to level the playing field for agricultural producers by strengthening and clarifying the Packers and Stockyards Act of 1921 and the Agricultural Fair Practices Act of 1967 and strengthening enforcement of both laws by USDA. I intend to use this legislation as the basis for developing a proposed competition title in the new farm bill this year.

Consolidation is happening in all sectors of agriculture and having a negative effect on producers and consumers across the Nation. Consolidation in itself is not a violation of the Packers and Stockyards Act, but when some entities become larger and more powerful that makes enforcement of the Packers and Stockyards Act absolutely critical for independent livestock and poultry

February 15, 2007
producers. The statistics speak for themselves. For example, today, only four firms control 84 percent of the procurement of cattle and 64 percent of the procurement of hogs. Economists have stated that when four firms control over 80 percent of the market, marketplace competitiveness begins to decline. Taken together with fewer buyers of livestock, highly integrated firms can exert tremendous power over the industry.

The Office of Inspector General at the Department of Agriculture, GIPSA, has the responsibility to enforce the Packers and Stockyards Act. This Act is critical, and protects livestock producers from unfair, unjustly discriminatory and anti-competitive practices in the marketplace. For years I have had my doubts about whether USDA was serious about enforcing the Packers and Stockyards Act. In 2005, I requested an audit by USDA’s Inspector General to investigate USDA’s oversight of the Packers and Stockyards Act. Last year, the Inspector General confirmed the concerns I had and uncovered even more systemic problems. The report described widespread inaction, management of the agency actively blocking investigations into anti-competitive behavior and a scheme to cover up the lack of enforcement by inflating the reported number of investigations conducted.

That is why today, the legislation I introduce will reorganize the structure in how USDA enforces the Packers and Stockyards Act and create an office of special counsel on competition matters. The special counsel would be appointed by the President with advice and consent from the U.S. Senate. Some would argue that Senate advice and consent is not needed. However, for over five years, GIPSA failed to move competition investigations forward and no one above the level of deputy administrator at GIPSA seemed to have any idea that any problems were going on, despite the fact I was sending letters to the Secretary of Agriculture pointing out that USDA was failing to enforce the law.

In the past year, GIPSA has worked in good faith to improve its enforcement activities. However, GIPSA only investigates potential violations of the law, they do not litigate and follow-through with the investigation to the end. Litigating cases is reserved only for USDA’s Office of General Counsel, OGC, unless they refer it to the Department of Justice.

USDA’s Office of General Counsel has not been active on cases involving anti-competitive practices in recent years since GIPSA was not referring cases to them. To be sure, only two cases involving anti-competitive practices were referred to OGC in 5 years. But there are concerns that OGC is not as committed to enforcing competition as it should be. This lack of commitment was clearly evident last year in testimony provided by OGC Assistant General Counsel in the Trade Practices Division at a hearing by the Senate Committee on Agriculture, Nutrition, and Forestry.

Concerns about OGC’s attitude toward enforcing the Packers and Stockyards Act date back to 1997. USDA’s Inspector General stated in its 1997 audit that Packers and Stockyards program officials were concerned that OGC did not want to litigate competition cases “because they are complicated and time consuming” and OGC had “limited expertise” with them. In 2000, the Government Accountability Office found “disagreements” between OGC and GIPSA regarding the interpretation of the Act’s competition provisions. By combining investigation and prosecution activities into the proposed special counsel office, designated to handle competition issues, it reduces the ability for investigations to be batted back and forth within USDA.

This legislation also makes many important clarifications to the Packers and Stockyards Act. The Packers and Stockyards Act prohibits unfair, unjustly discriminatory and anti-competitive practices, but some courts have ruled that producers needed to prove anti-competitive behavior in the market in order to prevail in such cases involving unfair or deceptive practices. For example, the United States Eleventh Circuit Court of Appeals ruled that a poultry grower operation failed to prove that its case involving an unfair termination of its contract adversely affected competition. The court indicated that the grower had to prove that their unfair treatment affected competition in the relevant market. That is very difficult to prove and was never the intent of the Packers and Stockyards Act.

This legislation also modifies the Packers and Stockyards Act so that poultry growers have the same enforcement protections as livestock. Currently, it is unlawful for a livestock packer or live poultry dealer to engage in any unfair, unjustly discriminatory or deceptive practice, but USDA does not have the authority to enforce violations because the enforcement section of the law is absent of any reference to poultry. This important statutory change is long overdue. In addition, to better reflect the integrated nature of the poultry industry, the law would be amended to give growers the protections under the law extend to all poultry growers, such as breeder hen and pullet operations, not just those who raise broilers.

The Agricultural Fair Practices Act of 1967 was passed by Congress to ensure that producers are allowed to join together as an association to strengthen their position in the marketplace without being discriminated against by handlers. Unfortunately, this act was passed with a clause that essentially abolishes the existence of this law.

The act states that “nothing in this Act shall prevent handlers and producers from selecting their customers” and it also states that it does not “require a handler to deal with an association of producers.” This clause in effect allows handlers to think of any reason possible to not do business with certain producers, as long as the stated reason is because they belong to an association.

I propose to expand the Agricultural Fair Practices Act to provide new needed protections for agricultural contracts. As I have mentioned earlier, consolidation in all sectors of agriculture is reducing the number of buyers of commodities and for the very few who are left, many require contracts to conduct business. With so few buyers, it increases the chances that some will force unfair contracts upon producers. As a result, some producers have little or no choice but to contract with a firm with questionable practices or face leaving the industry they have known for their whole lives.

This amendment to the Agricultural Fair Practices Act requires that the contract spell out in clear language what is required by the producer. This legislation prohibits confidentiality clauses, ensuring the ability to share the contract terms with the family members or a lawyer to help them make an informed decision on whether or not to sign it. This legislation also prevents companies from prematurely terminating contracts without notice when producers have made large capital investments as a condition of signing the contract. And it only allows mandatory arbitration after a dispute arises and both parties agree to it in writing. Producers should not be forced to sign contracts with arbitration clauses thereby preventing them from seeking legal remedy in the courts.

Mr. President, producers deserve to have a fair and evenhanded market in which to conduct business. This legislation won’t be able to turn back the clock, but it will strengthen laws and enforcement of them so that markets operate more fairly.

By Mr. SCHUMER (for himself, Mrs. C. LINTON, Mr. VITTER, Ms. COLLINS, Mr. LEAHY, and Ms. STABENOW):

S. 623. A bill to amend the Public Health Service Act to provide for the licensing of comparable and interchangeable biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pension.
Ms. CLINTON. Mr. President, I am pleased today to join with Senator SCHUMER to introduce the Access of Life-Saving Medicine Act. This legislation will have a dramatic impact on the rising costs of prescription drugs, which puts the squeeze on employers and American families struggling to make ends meet, and on our economy. We spend 16 percent of our national income on health care and prescription drugs and that number is increasing.

In 2005, the cost of biologics grew 17.5 percent compared to the cost of traditional drugs, which increased 10 percent. According to CMS, the top 2 anemia drugs—both biologics—accounted for 17 percent of all Medicare Part B carrier drug spending, while two other biologics for rheumatoid arthritis and cancer accounted for an additional 13 percent. In 2006, the Medicare Part B program spent more than $5 billion on biologics.

More than $10 billion worth of biopharmaceuticals will come off patent in the next 5 years but will continue to cost on-patent prices unless we act. Our legislation creates a pipeline for approval of safe, cost effective generic versions of these biologic drugs. Without action, the manufacturers of these biotech drugs can continue to charge monopoly prices indefinitely.

This is a perfect example of sky-rocketing costs in health care—and a perfect opportunity to put the brakes on this overspending, which is bad for patients, businesses, and our country.

According to a report released in January by Engel & Novitt to the Pharmaceutical Care Management Association, passage of this bill could save, by conservative estimates, $14 billion over the next 10 years in Medicare Part B alone.

Scientific advances over the past 20 years have made the biotechnology industry an integral part of the pharmaceutical industry, but our health care system has not kept pace. Our laws need to be updated to reflect the critical role biologics now play in treatment.

The Access to Life-Saving Medicine Act amends the Public Health Service Act to authorize the FDA to approve abbreviated applications for biological products that are "comparable" to and interchangeable with previously approved biological products. And because biological products are very diverse, the Secretary has discretion on a case-by-case basis to determine what studies are necessary to establish comparability and interchangeability, and may require a clinical study or studies if necessary.

To encourage the development of substitutable products, the legislation gives the first applicant to obtain approval of an interchangeable product a period of exclusive marketing during which no other interchangeable version of the product may be approved. In order to facilitate timely access to these products, an approval may, however, be granted for a comparable version of the brand name product if it is not interchangeable.

Finally, to encourage early resolution of patent disputes which might otherwise delay competition, a patent holder must dispatch the relevant patents in response to a request and bring a patent infringement suit within 45 days of notice of a challenge or lose the right to certain remedies in court.

Biotech drugs hold great promise, but we break that promise when costs push treatment out of reach for American families and employers. We should bring safe, effective and affordable generic versions of these medicines to patients through passage of the Access to Life-Saving Medicine Act, saving money and lives.

This issue is part of a larger challenge. It is time to develop a health care system that reflects and responds to how people are living today, that addresses the critical problems in cost, quality, and coverage.

We can use what is right in health care—inefficient care, leaders at the forefront of medical research, advances in technology, the best medical professionals in the world—to fix what is wrong.

Smart solutions to the vexing problems plaguing our health care system will require evidence-based—not ideologically-based—decision making. My wonderful predecessor, Senator Moynihan, memorably said, "Everyone is entitled to his own opinion, but no one is entitled to his own facts." Well, right now, we see a lot of people who have their own facts that are not based on the evidence.

The fact is, building a pipeline for generic biologics is long overdue. Achieving this goal is a top priority for me in the HELP Committee when we consider FDA-related legislation this spring and I look forward to working with Senator SCHUMER and my other colleagues to get it done.

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Life-Saving Medicine Act".

SEC. 2. DEFINITIONS.

(a) AMENDMENTS.—Section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) is amended—

(1) by striking "In this section, the term 'biological product' means" and inserting the following: "In this section:

(i) The term 'biological product' means";

and

(2) by adding at the end the following:

"(2) The term 'abbreviated biological product' means an abbreviated application for a license of a biological product containing the same, or similar, active ingredient as a reference product."

"(3) The term 'reference product' means...

"(4) The term 'interchangeable product' means..."
(k), against which a biological product is evaluated for demonstration of safety, potency, or purity.

(4) The term ‘comparable’ or ‘comparative’ with respect to a biological product means the absence of clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product based upon—

(A) data derived from chemical, physical, and biological assays, and other non-clinical laboratory studies;

(B) data from any necessary clinical study or studies sufficient to confirm safety, purity, and potency in one or more appropriate patient populations; and

(C) the use for which the reference product is licensed and intended to be used.

(5) The terms ‘interchangeable’ and ‘interchangeability’ mean, with respect to the condition of use involved, that the biological product—

(A) is comparable to the reference product; and

(B) can be expected to produce the same clinical result as the reference product in any given patient.

(6) The term ‘thorough characterization’ means a characterization based upon appropriate analytical and functional testing sufficient to identify differences between a biological product and the reference product relevant to safety, purity, or potency.

(7) The term ‘final action date’ means, with respect to an abbreviated biological product application, the date by which the Secretary must take a final action on the application.

(8) The term ‘final action’ means, with respect to an abbreviated biological product application, the date by which the Secretary must take a final action on the application.

(9) The term ‘reviewing division’ means the division responsible for the review of an application for approval of a biological product (including all scientific and medical matters, chemistry, manufacturing, and controls)."

(b) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to exclude an application for licensure of a biological product under section 351(k) from the definition of a human drug under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

SEC. 3. REGULATION OF COMPARABLE AND INTERCHANGEABLE BIOLOGICAL PRODUCTS.

(a) In General.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(1)(A), by inserting “under this subsection or subsection (k)” after “biologics license”;

(2) by adding at the end the following subsection:

“(k) REGULATION OF COMPARABLE AND INTERCHANGEABLE BIOLOGICAL PRODUCTS.—

(1) Submission of an abbreviated biological product application. Any person may file with the Secretary an abbreviated biological product application. Any such application shall include the following:

“(A) Data demonstrating that the biological product is comparable to or interchangeable with the reference product;

“(B) Data demonstrating that the biological product and reference product contain highly similar principal molecular structural features; and

“(C) Information to show that the route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product.

“(D) Data demonstrating that the facility in which the biological product is manufactured, processed, or packed meets standards designed to assure that the biological product continues to be safe, pure, and potent.

“(E) At the applicant’s option, publicly-available information regarding the Secretary's previous determination that the reference product is safe, pure, and potent.

“(F) Any additional data and information in support of the application, including publicly-available information with respect to the reference product or another biological product.

“(2) OTHER APPLICATIONS.—Any person, including a person who has not conducted and does not intend to conduct any studies in the application for a reference product, may submit an application under this paragraph for a biological product that differs from, or incorporates a change to, the reference product with respect to one or more characteristics described in subparagraph (k)(1), including a difference in safety, purity, or potency, so long as the application contains sufficient information to establish the safety, purity, and potency of the biological product to be interchangeable to the reference product for its proposed condition or conditions of use.

“(3) FDA REVIEW OF INTERCHANGEABLE BIOLOGICAL PRODUCT APPLICATIONS.—

“(A) GUIDANCE REGARDING REVIEW OF APPLICATIONS.—The Secretary shall issue guidance for the individuals who review applications submitted under paragraph (1) or (2), which shall relate to promptness in conducting the review, technical excellence, and conflict of interest, and knowledge of regulatory and scientific standards, and which shall apply equally to all individuals who review such applications.

“(B) MEETINGS WITH SPONSORS AND APPLICANTS.—The Secretary shall meet with a sponsor of an investigation or an applicant for approval of a comparable or interchangeable biological product under this subsection if the sponsor or applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of the studies needed for approval of the application. The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of the studies.

“(C) AGREEMENTS.—Any agreement regarding the parameters of design and size of the studies of a biological product under this paragraph that is reached between the Secretary and a sponsor or applicant shall be entered in the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

“(i) with the written agreement of the sponsor or applicant; or

“(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the reviewing division, that a substantial scientific issue relating to the safety, purity, and potency of the biological product has been identified after the testing has begun.

“(D) PROCEDURE REGARDING CERTAIN DECISIONS.—A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director will document the scientific issue involved.

“(E) EFFECT OF DECISIONS.—The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance office personnel unless such field or compliance office personnel demonstrate to the reviewing division why such decision should be modified.

“(F) DELAYS BY REVIEWING DIVISIONS.—No action by the reviewing division may be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe, pure, and potent biological product.

“(G) APPROVAL OF COMPARABLE OR INTERCHANGEABLE BIOLOGICAL PRODUCTS.—

(1) DETERMINATION OF INTERCHANGEABILITY.—Upon review of an application submitted under paragraph (1) or (2) for a biological product that
product, the Secretary shall issue a compar-
able biological product license for all con-
ditions of use of the reference product shar-
ing the same mechanism or mechanisms of action, for which the applicant has dem-
strated comparability for a single condi-
tion of use, or, if the mechanism or mecha-
nisms of action are unknown, for the condi-
tion of use for which the application was sub-
mitted establishes comparability, unless the Secretary finds and informs the appli-
cant that—

(1) information submitted in the applica-
tion or any other information available to the Secretary is insufficient to show that the biological product and the reference product contain highly similar principal molecular structural features, notwithstanding minor differences in heterogeneity profile, impuri-
ties, or other characteristics;

(2) information submitted in the applica-
tion or any other information available to the Secretary is insufficient to show that the composition of the biological product and the strength of the biological product are the same as those of the reference pro-
duct;

(3) information submitted in the applica-
tion or any other information available to the Secretary is insufficient to show that the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product are limited to one or more of the same use or uses as have been previously approved for the reference product;

(4) information submitted in the applica-
tion or any other information available to the Secretary is insufficient to show that the route, type, or quantity of inactive ingredients in-
cluded in the labeling proposed for the biological product, or the mechanism or mechanisms of action are not known for the reference product for such condition or conditions;

(5) information submitted in the applica-
tion or any other information available to the Secretary is insufficient to show that the type or quantity of inactive ingredients in-
cluded in the labeling proposed for the biological product, or the mechanism or mechanisms of action are not known for the reference product for such condition or conditions;

(6) designation of official name,—If, pursuant to section 508 of the Federal Food, Drug, and Cosmetic Act, the Secretary deter-
mines that designation of an official name for a comparable biological product is neces-
sary or desirable in the interests of useful-
ness or simplicity, the Secretary shall des-
ignate the same official name for the com-
parable biological product as the Secretary designates for the reference product. This para-
graph shall not apply to products approved under paragraph (7).

(7) other approval provisions.—The Secret-
ary shall—

(A) in general,—under the provi-
sions of paragraph (4)(A), an application for a license submitted under paragraph (2), ex-
cept that the Secretary shall approve an application for reapproval under this section, if the application and any other infor-
mation available to the Secretary are suffi-
cient to establish the safety, purity, and po-
tency of the comparable biological product relative to the reference product for the pro-
posed condition or conditions of use for such product;

(B) determining interchangeability for com-
parable biological products.—For purposes of this subsection, an applica-
tion or a supplement to an application under this subsection, an applicant may submit in-
formation to the Secretary to demonstrate the interchangeability of a comparable bio-
logical product and the reference product. An applicant may withdraw an interchange-
ability submission at any time. A request for a determination of interchangeability sub-
mitted after the filing of an application shall be considered a major amendment to the ap-
plication. Nothing in this subsection shall be construed to prohibit the Secretary from mak-
ing a determination of interchange-
ability at any time after approval.

(8) establishing interchangeability for com-
parable biological products.—(A) In general.—In an abbreviated biological product ap-
lication or a supplement to an application under this subsection, an applicant may submit in-
formation to the Secretary to demonstrate the interchangeability of a comparable bio-
logical product and the reference product. An applicant may withdraw an interchange-
ability submission at any time. A request for a determination of interchangeability sub-
mitted after the filing of an application shall be considered a major amendment to the ap-
plication. Nothing in this subsection shall be construed to prohibit the Secretary from mak-
ing a determination of interchange-
ability at any time after approval.

(9) reapproval of rebranded interchange-
able biological product.—Within one year after en-
actment of the Access to Life-Saving Medi-
cine Act, the Secretary shall issue guidance regarding standards and requirements for interchangeability. The Secretary may make determinations of interchangeability under paragraph (4)(B) prior to issuing guidance under this subparagraph.

(10) exclusivity.—Upon review of an ab-
abbreviated biological product application re-
lying on the same reference product for which a prior biological product has received a determination of interchangeability for any condition of use, the Secretary shall not make a determination under paragraph (4)(B) that the second or subsequent biological product is interchangeable with the reference product for the condition of use prescribed, recommended, or suggested in the labeling proposed for the biological product, directly or indirectly, or author-
ize any other person to manufacture, mar-
tet, sell, or distribute a rebranded interchangeable biological product, unless the Secretary finds and informs the applicant that—

(I) 180 days after the first commercial marketing of the first interchangeable comparable biological product, the Secretary shall—

(ii) one year after approval in the event that the first approved interchangeable comparable biological product has been sued under paragraph (17)(C) and such litigation is still ongoing within such 36-month period; or

(ii) one year after approval in the event that the first approved interchangeable comparable biological product has not been sued under paragraph (17)(C).
“(I) by an entity eligible for exclusivity with respect to such product under this paragraph; or

“(II) after expiration of any exclusivity with respect to such product under this paragraph.

“(11) HEARING.—If the Secretary decides to disapprove an abbreviated biological product application, the Secretary shall give the applicant notice of an opportunity for a hearing before the Secretary on the question of whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within thirty days after such notice, such hearing shall be conducted on an expedited basis, and the Secretary’s order thereon shall be issued within ninety days after the date fixed by the Secretary for filing final briefs.

“(12) FINAL ACTION DATE.—

“(A) IN GENERAL.—The Secretary shall take a final action on an abbreviated biological product application by the date that is 8 calendar days prior to the date on which the Secretary would otherwise be required to accept the opportunity for hearing by written request within thirty days after such notice, such hearing shall be conducted on an expedited basis, and the Secretary’s order thereon shall be issued within ninety days after the date fixed by the Secretary for filing final briefs.

“(B) EXTENSION.—The final action date provided by subparagraph (A) with respect to an application may be extended for such period as the Secretary determines, subject to the requirements of this paragraph, if the Secretary and the applicant in a jointly executed written agreement that is counter-signed by the Secretary and the applicant no later than sixty days prior to such date.

“(13) REQUEST FOR DELAY OF FINAL ACTION.—Notwithstanding paragraph (12) or any other provision of law, the Secretary shall not fail or refuse to take a final action on an abbreviated biological product application by the final action date on the basis that a person, other than the comparable biological product applicant, has requested (in a petition or otherwise) that the Secretary refuse to take or otherwise defer such final action, and no court shall enjoin the Secretary from taking final action or stay the effect of final action previously taken by the Secretary, except by issuance of a permanent injunction on an express showing of clear and convincing evidence that the person seeking to have the Secretary refuse to take or otherwise defer final action has an interest that outweighs the overriding interest of the public has in obtaining prompt access to a comparable biological product.

“(A) has prevailed on the merits of the person’s complaint against the Secretary;

“(B) will result in substantial and irreparable injury, constituting more than irrecoverable economic loss, and that also will threaten imminent destruction of such person’s business; and

“(C) has an interest that outweighs the overwhelming interest that the public has in obtaining prompt access to a comparable biological product.

“(14) REPORT ON EXTENSIONS OF FINAL ACTION DATE.—The Secretary shall prepare and submit to the President, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report detailing the specific and particularized reasons enumerated by the reviewing division for each instance of the Secretary’s failure to take final action by the final action date in the previous year.

“(16) REGULATIONS.—The Secretary shall establish, by regulation within 2 years after the date of enactment of this subsection, the procedures relating to the approval, suspension, and revocation of abbreviated biological product applications under this subsection.

“(17) PETITIONS FOR ADMISSION OF PROVISIONAL OR PROVISIONAL APPLICANTS.—An applicant or prospective applicant for a comparable biological product under this subsection may file a petition with the Secretary for filing final briefs.

“(A) REQUEST FOR PATENT INFORMATION.—

“(I) IN GENERAL.—At any time, including at the time that the Secretary has approved an application filed by another person or a prospective applicant under this subsection, the Secretary may make a written request for patent information to the holder of the approved application that the holder believe in good faith relate to the referenced product, including patents that claim the approved application that the holder believes in good faith relate to the reference product, patents owned by, or licensed to, the holder or prospective applicant a list of all those patents the owner of any patent identified by the Secretary or prospective applicant a list of all those patents that were not identified by the Secretary or prospective applicant in a jointly executed written agreement that is counter-signed by the Secretary and the applicant.

“(II) Costs of Responding to Request for Information.—For a period of 2 years beginning on the date on which the holder of the approved application for the reference product receives the request for information, subject to the requirements of this paragraph, the holder may demand payment from the applicant or prospective applicant of all costs of responding to the request for information.

“(18) ADDITIONAL REQUESTS.—The applicant may submit additional requests for patent information, subject to the requirements of this paragraph, at any time.

“(19) TIME LIMIT FOR COMPLETION OF PATENT SEARCH.—A patent search required under paragraph (1) shall be completed not later than 90 days after the date on which the petition is submitted.

“(20) DISCLOSURE OF PATENTS.—The Secretary may require an applicant or a prospective applicant for a comparable biological product under this subsection to disclose any patents included in the notice to the Secretary, the Commissioner to discuss the determination.

“(D) LIMITATION ON DECLARATORY JUDGMENT ACTIONS.—With respect to a patent relating to a product that is the subject of an application under this subsection, the recipient of a notice under subparagraph (B) is subject to that notice, prior to the commercial marketing of the product, bring any action under section 2201 of title 28, United States Code, for a declaratory judgment that the reference product would not infringe any patent included in the notice.

“(21) SUSTAINABILITY OF DETERMINATION.—The Secretary may, notwithstanding chapter 87 of title 28, United States Code, be brought only in a judicial district identified in the notice.

“(22) DETERMINATION OF PRECEDENT.—In determining the precedential value of any decision of the Commissioner.

“(23) PETITIONS FOR ADMISSION OF PROVISIONAL OR PROVISIONAL APPLICANTS.—An applicant or prospective applicant for a comparable biological product under this subsection may not be compelled, by court order or otherwise, to initiate the procedures set forth in this paragraph. Nothing in this paragraph requires an applicant or a prospective applicant to invoke the procedures set forth in this paragraph.

“(18) Petitions for Approval of Certain Applications.—

“(A) IN GENERAL.—With respect to a pending biological product application, the Secretary may not, on the basis of the petition filed under paragraph (1) or (2), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action in response to that petition, or to the Secretary, bring any action under section 2201 of title 28, United States Code, for a declaratory judgment that the reference product would not infringe any patent that was not identified in the notice. With respect to any such petition, delay approval of the application, if the petition includes all information and views upon which the petition relies, of the petition unless the Secretary determines, of the petition, delay approval of the application.

“(B) REQUIREMENTS FOR THE EFFICIENT REVIEW, APPROVAL OF THE APPLICATION, AND, IN THE CASE OF A LICENSE, NOT LATER THAN 30 DAYS AFTER THE DATE ON WHICH THE PETITION IS SUBMITTED.

“(I) the Secretary may not, on the basis of the petition, delay approval of the application unless the Secretary determines, of the petition, delay approval of the application, the following applies, subject to subparagraph (E):

“(i) the delay is necessary to protect the public health.

“(II) With respect to a determination by the Secretary under clause (i) that a delay is necessary to protect the public health:

“(aa) the Secretary shall publish on the Internet site of the Food and Drug Administration a statement providing the reasons underlying the determination and an opportunity for a meeting with the Commissioner to discuss the determination.

“(bb) Not later than 10 days after making the determination, the Secretary shall provide to the appropriate congressional committees and the Commissioner a report regarding any jointly executed written agreement, or otherwise, to initiate the procedures set forth in this paragraph.

“(iii) The Secretary may not consider the petition for review unless it is signed and contains the following verification: I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the application; and (c) I have taken reasonable steps to ensure that any representative data and/or information which are unfavorable to the application were disclosed to me. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is submitted on or about the date:

I received or expect to receive payments, including cash and other forms of
consideration, from the following persons or organizations to file this petition: I verify under penalty of perjury that the foregoing is true and correct."

"(B) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

"(i) Final agency action within 180 days.—The Secretary shall be considered to have taken final action on a petition referred to in subparagraph (A) if—

"(I) during the 180-day period referred to in clause (ii) of such subparagraph, the Secretary makes a final decision within the meaning of section 10.45(d) of title 21, Code of Federal Regulations (or any successor regulations); and

"(II) such period expires without the Secretary having made such a final decision.

"(ii) Dismissal of certain civil actions.—If a civil action is filed with respect to a petition referred to in subparagraph (A) before final agency action within the meaning of clause (i) has occurred, the court shall dismiss the action for failure to exhaust administrative remedies.

"(C) APPLICABILITY OF CERTAIN REGULATIONS.—The provisions of this section are in addition to the requirements for the submission of a petition to the Secretary that apply under section 10.30 or 10.33 of title 21, Code of Federal Regulations (or any successor regulations).

"(D) Annual report on delays in approvals per petitions.—The Secretary shall annually submit to the Congress a report that specifies—

"(a) the number of applications under this subsection that were approved during the preceding 12-month period;

"(b) the number of applications whose effective dates were delayed by petitions referred to in subparagraph (A) during such period; and

"(c) the number of days by which the applications were so delayed.

"(E) Exception.—This paragraph does not apply to a petition that is made by the sponsor of an application under this subsection and that seeks only to have the Secretary of an application under this subsection apply to a petition that is made by the sponsor of an application under this subsection that were approved during the preceding 12-month period.

"(1) Definitions.—For purposes of this paragraph, the term ‘petition’ includes any application made by an applicant pursuant to subparagraph (A)(i) of section 351(k)(17) of the Public Health Service Act, but that was not timely disclosed under that subsection, and that was approved during the period covered by this paragraph.

"(2) Conforming amendments.—

"(A) Title II—Section 230(b) of title 28, United States Code, is amended by inserting before the period the following: ‘‘, or section 351 of the Public Health Service Act.’’

"(B) Public Health Service Act.—Subsection (j) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by inserting ‘‘or subsection (k)’’ after ‘‘subsection (a)’’.

"By Mr. KENNEDY (for himself, Mr. CORYN, Mr. HARKIN, Mr. McCaskill, Mr. LUGAR, Mr. DODD, Mr. SMITH, Mr. REED, Ms. SNOWE, Mr. LAUTENBERG, Ms. MURkowski, Mr. BINGAMAN, Ms. COLLINS, Ms. MIKULSKI, Mr. STEVENS, Mrs. MURRAY, Mr. DOMENICI, Mrs. CLINTON, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. LEAHY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. SCHUMER, Mr. AKAKA, Mr. KOHL, Ms. CANTWELL, Mr. CARPER, and Mr. Webb):

S. 625. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY, Mr. President, today, we are introducing legislation to give the Food and Drug Administration broad authority to regulate tobacco products. Study after study has conclusively shown in good conscience the American medical establishment and the tobacco industry are in a legal battle that continues to this day.

We must deal firmly with the tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over $15 billion a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that nearly 90 percent of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies’ own words, the magnitude of the industry’s efforts to trap children into dependency on their deadly product. Studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry
S. 625

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Smoking Prevention and Tobacco Control Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Scope and effect.
Sec. 5. Severability.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal food, drug, and cosmetic law.
Sec. 102. Final rule.
Sec. 103. Conforming and other amendments.

TITLE II—TOBACCO PRODUCT REGULATIONS

Sec. 201. Cigarette label and advertising warnings.
Sec. 202. Authority to revise cigarette warning label statements.
Sec. 203. State regulation of cigarette advertising.
Sec. 204. Smokeless Tobacco labels and advertising warnings.
Sec. 205. Authority to revise Smokeless Tobacco product warning label statements.
Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.
Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a public health disaster of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products...
have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public believe that the tobacco industry should be subject to ongoing oversight.

(9) Under Article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation’s economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 86,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today’s children from becoming regular, daily smokers, saving over $500,000 of them from premature death due to tobacco induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed at the young. Tobacco and smokeless tobacco products and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2003, the cigarette manufacturers spent more than $15,000,000,000 to attract new users, in current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sporting life, as well as being associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable advertising that leads them to believe that tobacco use plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of young people prefer marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price-sensitive than adults, are exposed to tobacco advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising that provides access to young people and providing for education about tobacco use.

(27) International experience shows that advertising, marketing, and promotion of such products have a greater impact on overall tobacco use and young people’s use than weaker or less comprehensive ones.

(28) Text of advertising that is not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by the use of tobacco products.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615-44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the First Amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration and the restriction on the advertising and promotion of tobacco products.

(31) The regulations described in paragraph (30) will directly and materially advance the public health goals of this Act.

(32) The dangers of products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of causing injury and death. The costs to society of the widespread use of products sold or distributed as modified risk tobacco products do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(33) As the National Cancer Institute has found, many smokers believe that “low tar” and “light” cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistakes about the health consequences of smoking “low tar” and “light” cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(34) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from “low tar” and “light” cigarettes and such products may actually increase the risk of tobacco use.

(35) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in insuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(36) As the Federal Trade Commission has found, consumers have misinterpreted advertising in which one product is claimed to be less harmful than another, even in the presence of disclosures and advisories intended to provide clarification.
(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated statements regarding tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction or to advance marketing, and to require that the evidence relied on to support approval of these products is rigorous.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products;

(2) to ensure that the Food and Drug Administration has the authority to address issues associated with public health, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to establish national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry’s efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) to use such measures to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to ensure that persons are regulated appropriately to ensure controls on the tobacco industry;

(9) to prevent excessive risk and the social costs associated with tobacco products and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other tobacco-related situation, circumstance, or legal action;

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, and the application of the provisions of this Act to any person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—

SECTION 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(rr)(1) The term ‘tobacco product’ means any product sold or distributed for use as or for use in a conventional food, or a product that is intended for ingestion in capsule, tablet, softgel, or liquid form or that is intended to be held to the user’s body by a component, part, or accessory of a tobacco product.

(2) The term ‘tobacco product’ does not mean—

"(A) a product in the form of conventional food (including water and chewing gum), a product represented for use as or for use in a conventional food, or a product that is intended for ingestion in capsule, tablet, softgel, or liquid form;

"(B) an article that is approved or is regulated as a drug by the Food and Drug Administration.

"(3) The products described in paragraph (2) shall be subject to chapter IV or chapter V of this Act and the articles described in paragraph (2)(B) shall be subject to chapter V of this Act.

"(4) A tobacco product may not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetics, medical device, or a dietary supplement).

"(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesigning sections 901 through 909 as sections 1001 through 1009;

(3) in section 1009 (as so redesignated), by striking "section 908" and inserting "section 1008";

(4) by inserting after chapter VIII the following:

"CHAPTER IX—TOBACCO PRODUCTS

"SEC. 900. DEFINITIONS.

"In this chapter:

"(1) ADDITIVE.—The term ‘additive’ means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the character of any tobacco product (including any substances intended for use as a flavoring, coloring or in producing, manufacturing, packaging, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco, tobacco smoke, or any attribute of tobacco, tobacco smoke, or any chemical or other component of tobacco, tobacco smoke, or any chemical or other component of tobacco, tobacco smoke, or any chemical or other component of tobacco, tobacco smoke, or any chemical or other component of tobacco.

"(2) BRAND.—The term ‘brand’ means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, or packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination of these characteristics.

"(3) CIGARETTE.—The term ‘cigarette’ has the meaning given that term by section 3(c) of the Federal Cigarette Labeling and Advertis ing Act, which includes tobacco in any form, that is functional in the product, which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

"(4) CIGARETTE TOBACCO.—The term ‘cigarette tobacco’ means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise specified, the term ‘cigarette tobacco’ shall also apply to cigarette tobacco.

"(5) COMMERCE.—The term ‘commerce’ has the meaning given that term by section 3(d) of the Federal Cigarette Labeling and Advertising Act.

"(6) COUNTERFEIT TOBACCO PRODUCT.—The term ‘counterfeit tobacco product’ means a tobacco product that—

"(A) is not produced, manufactured, or distributed in accordance with the appropriate requirements of this Act; and

"(B) is not subject to the requirements of this Act.

"(7) DISTRIBUTOR.—The term ‘distributor’ as regards a tobacco product means any person who alters or distributes the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

"(8) ILLICIT TRADE.—The term ‘illicit trade’ means any practice or conduct prohibited by law which relates to production, shipment, possession, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

"(9) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act.

"(10) LITTLE CIGAR.—The term ‘little cigar’ has the meaning given that term by section 3(d) of the Federal Cigarette Labeling and Advertising Act.

"(11) NICOTINE.—The term ‘nicotine’ means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[H][H][N][H][N], including any salt or complex of nicotine.

"(12) PACKAGE.—The term ‘package’ means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

"(13) RETAILER.—The term ‘retailer’ means any person who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

"(14) ROLL-YOUR-OWN TOBACCO.—The term ‘roll-your-own tobacco’ means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

"(15) SMOKE CONSTITUENT.—The term ‘smoke constituent’ means any chemical or chemical compound in mainstream or sidestream tobacco smoke that transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of tobacco smoke.

"(16) SMOKELESS TOBACCO.—The term ‘smokeless tobacco’ means any tobacco product that consists of cut, ground, powdered, or chewed tobacco and is intended to be placed in the oral or nasal cavity.

"(17) STATE.—The term ‘State’ means any State of the United States and, for purposes of this section 4(c), the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, the Independent State of Palau, the Trust Territories of the Pacific Islands, and any other trust territory or possession of the United States.
(B) Tobacco product manufacturer.—The term ‘tobacco product manufacturer’ means any person, including any packer or relabeler, who—

(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

(B) imports a finished cigarette or smokeless tobacco product for sale or distribution in the United States.

(19) UNITED STATES.—The term ‘United States’ means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the Northern Mariana Islands, and any other trust territory or possession of the United States.

SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

(a) IN GENERAL.—Tobacco products shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of any other chapter.

(1) such products are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease (within the meaning of section 3(a)(1)(B) or section 201(h)(12)); or

(2) a claim is made for such products under section 201(g)(1)(C) or 201(h)(3); or

other than modified risk tobacco products approved in accordance with section 911.

(b) APPLICABILITY.—This chapter shall apply to all tobacco products subject to the regulations prescribed under sections 904 and 907 of the Family Smoking Prevention and Tobacco Control Act, and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

(c) SCOPE.—

(1) IN GENERAL.—Nothing in this chapter, or any rule or regulation promulgated thereunder, or in sections 10(1)(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated), or the regulation of products under chapters 1 through 4 of this title.

(2) LIMITATION OF AUTHORITY.

(A) In this chapter, any provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco, tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer’s capacity as a manufacturer.

(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to permit the Secretary to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting the production of tobacco leaf.

SEC. 902. ADULTERATED TOBACCO PRODUCTS.

A tobacco product shall be deemed to be adulterated—

(1) in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the tobacco product injurious to health;

(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

(3) its package is composed, in whole or in part, of other descriptive substance which may render the contents injurious to health;

(4) it, or purports to be or is an represented product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

(5)(A) it is required by section 910(a) to have premarket approval and does not have an appropriate application effect; or

(B) it is in violation of the order approving such an application;

(6) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e) or an applicable condition prescribed by an order under section 906(e)(12); or

(7) it is in violation of section 911.

SEC. 903. MISBRANDED TOBACCO PRODUCTS.

(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

(1) if its labeling is false or misleading in any particular;

(2) if in package form unless it bears a label containing—

(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

(D) the statement required under section 921(a), except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

(6) if its advertising is false or misleading in any particular, or in the smoke of each tobacco product by brand and as applicable in the smoke of each tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986, or the regulations issued under such sections, be subject to the provisos of sections 12 through 15 of the Federal Trade Commission Act.

SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

(a) REQUIREMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, each tobacco product manufacturer, packer, or importer, or agents thereof, shall submit to the Secretary the following information:

(1) a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco product, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

(2) a description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 401(a) of the Federal Cigarette Labeling and Advertising Act.

(3) A listing of all constituents, including smoke constituents as applicable, identified by the Secretary as being harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand, beginning 2 years after the date of enactment of this chapter, the manufacturer, importer, or
agent shall comply with regulations promulgated under section 916 in reporting information under this paragraph, where applicable.

(d) All documents developed after the date of enactment of the Family Smoking Prevention and Tobacco Control Act that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, including smoke constituents, ingredients, components, and additives.

(b) DATA SUBMISSION.—At the request of the Secretary a tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

(2) Any or all documents (including underlying scientific information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

(3) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

(4) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has been regulated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under the regulations promulgated by the Secretary under section 916 of such tobacco additiv—

(e) DATA List.—Not later than 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a list of any or all tobacco products, or tobacco product components that are regulated as any of the following: (1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include reprocessing or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco products or tobacco product components.

(f) PUBLIC Access to REGISTRATION Information.—The Secretary shall make available a list of any or all tobacco products, or tobacco product components that are regulated as any of the following: (1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco products or tobacco product components.

(g) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(h) DATA List.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a layperson, and place on public display (in a manner determined by the Secretary) the list established under this paragraph.

(i) CONSUMER RESEARCH.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraphs (d), (e), (f), and (g) is updated. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

(j) DATA COLLECTION.—Not later than 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a list of harmful and potentially harmful constituents, including smoke constituents, to health in tobacco products by brand and quantity in each brand and subbrand.

(k) REGISTRATION OF ADDED ESTABLISHMENTS.—Every establishment engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section and at least once in every 2-year period thereafter.

(1) PRODUCT LIST.—Every person who registers with the Secretary under this section shall file a list with the Secretary on or before the date of enactment of the Family Smoking Prevention and Tobacco Control Act, of each tobacco product or tobacco product component that is manufactured, prepared, compounded, or processed by such person on or after such date of enactment. Such list shall be filed with the Secretary in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(2) REGISTRATION INFORMATION.—Every person who registers with the Secretary under this section shall submit to the Secretary the following information:

(a) A list of each tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 916, a brief statement of the basis upon which the registration was made.

(b) A list of each tobacco product introduced into interstate commerce in accordance with the regulations promulgated by the Secretary.

(c) A list of each tobacco product that is the subject of any current or proposed regulatory action by the Secretary, with the date such action was filed.

(d) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(e) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(f) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(g) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(h) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(i) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(j) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(k) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(l) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(m) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(n) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(o) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(p) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(q) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(r) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(s) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(t) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(u) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(v) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(w) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(x) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(y) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.

(z) A list of each tobacco product for which the Secretary may prescribe and shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by the Secretary in writing.
or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product, the date on which the tobacco product was customarily given away for free with the purchase of tobacco products shall not apply.

(2) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice issued in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and any such publication required to be made in connection with rulemaking under any such section shall set forth

(i) the manner in which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days, and

(ii) a report under this subsection is not required to be made in connection with rulemaking under any such section shall forth

(a) IN GENERAL.—Any requirement established by or under section 907, 908, 909, 905, or 909 applications for authority to market tobacco products have been changed by action taken under section 907, 908, 909, or subsection (d) of this section, and any requirement imposed on such tobacco product under section 907, 908, 909, or 911, or subsection (d) of this section shall not apply to tobacco products that are substantially equivalent, within the meaning of section 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subparagraph (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that such information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

(4) RESTRICTIONS.—

(i) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, and the advertising and promotion of, the tobacco product, if the Secretary determines that such restriction is appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account:

(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to a particular class of users or the authorization of a practitioner licensed by law to prescribe medical products.

(ii) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

(iii) Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult written publications.

(2) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

(A) IN GENERAL.—The Secretary may, in accordance with subparagraph (B), prescribe restrictions (which may be based on the type of tobacco product involved) requiring that the methods used in, and the facilities employed for, the manufacture of tobacco products, conform to good manufacturing practice, as prescribed in such regulations, to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Good manufacturing practices may include the testing of raw tobacco for pesticide chemical residue regardless of whether a tolerance for such chemical residue has been established.

(2) REQUIREMENTS.—

(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

(ii) before promulgating any regulation under subparagraph (A), afford opportunity for oral hearing;

(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A); and

(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices.

(2) EXEMPTIONS; VARIANCES.—

(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall,

(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner’s determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and
controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

(2) other information as the Secretary shall prescribe.

(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee, referred to in the petition with respect to a petition referred to it within 60 days after the date of the petition’s referral. Within 60 days after—

(i) a petition was submitted to the Secretary under subparagraph (A); or

(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee, whichever occurs later, the Secretary shall by order either deny the petition or approve it.

(C) APPROVAL.—The Secretary may approve—

(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, controls, and facilities prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe the conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

(F) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes without regard to section 3 of title 41, United States Code, and section 5 of title 41, United States Code.

SEC. 907. TOBACCO PRODUCT STANDARDS.

(A) IN GENERAL.—The Secretary shall promulgate a regulation establishing a tobacco product standard and publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

(B) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

(i) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health; and

(ii) invite interested persons to submit an existing tobacco product standard for the tobacco product, including a draft or proposed tobacco product standard, for consideration by the Secretary.

(C) STANDARD.—Upon a determination by the Secretary that an additive, constituent (including smoke constituent), or other component of the product that is the subject of the proposed tobacco product standard is harmful, it shall be the burden of any party challenging the proposed standard to prove that the proposed standard will not reduce or eliminate the risk of illness or injury.

(D) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall be supported with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

(E) CONSIDERATION BY SECRETARY.—The Secretary shall consider all information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of tobacco users, adult tobacco users, or non-tobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not comply with the requirements of this chapter and the significance of such demand, and shall issue the standard if the Secretary determines that the standard would be appropriate for the protection of the public health.

(F) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

(G) PROMULGATION.—

(A) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published in the Federal Register findings on the matters referred to in paragraph (1) respecting a tobacco product standard and after consideration of such comments and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

(i) promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in paragraph (1); or

(ii) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

(B) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set the date on which the standard shall take effect, but no such regulation may take effect before 1 year after the date
of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade.

(3) RESERVATION TO CONGRESS.—Because of the importance of a decision of the Secretary to issue a regulation establishing a tobacco product standard, the Secretary shall consult with the appropriate legislative committees in Congress before adopting a tobacco product standard.

(4) AMENDMENT, REVOCATION.—

(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person or entity, may at any time amend or revoke a tobacco product standard.

(B) EFFECTIVE DATE.—The Secretary may declare that a tobacco product standard is effective on and after its publication in the Federal Register.

(C) PROVISION OF DATA.—If a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard or a proposed regulation for the establishment, amendment, or revocation of a tobacco product would require the collection of any data different from that already available, the Secretary may require the submission of such data and information, together with all underlying data and information furnished to it by the Secretary or any other source, before adoption of the proposed regulation.

(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph to the Tobacco Products Scientific Advisory Committee, submit to the Secretary a report and recommendation with respect to any matter involved in the proposed regulation which requires the use of scientific judgment.

(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

SEC. 908. NOTIFICATION AND OTHER REMEDIES.

(a) Notification.—If the Secretary determines that—

(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm with the obligation of the manufacturer or importer to remove such tobacco product from the market; or

(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to elimi-

nate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances to reach the persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announce-
ments. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

(c) RECALL AUTHORITY.—

(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in to-

bacco products on the market that would cause serious, unexpected health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to imme-

diately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing before the order becomes effective.

(2) AMENDMENT OF ORDER TO REQUIRE RE-

CALL.

(A) IN GENERAL.—If, after providing an op-

portunity for an informal hearing under paragraph (1), the Secretary determines that the order issued under paragraph (1) is not necessary to protect public health, the Secretary shall have the opportunity to receive additional data and information and to determine whether the conditions for an order under paragraph (1) remain as they are or have changed.

(B) NOTICE.—An amended order under sub-

paragraph (A)—

(i) shall not include recall of a tobacco product from individuals; and

(ii) shall require that each request made under subparagraph (A)(i) state the reason or purpose for such request and identify the tobacco product that is subject to recall.

(C) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addi-

tion to any other remedy provided by subsection (a) of this section.

SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

(a) IN GENERAL.—Every person who is a manufacturer or importer of a tobacco product shall establish and main-

tain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adul-

ticated, misbranded, or otherwise contraband to protect public health. Regulations prescribed under the preceding sentence—

(1) may require a tobacco product manu-

facturer or importer to report to the Sec-

retary whenever the manufacturer or im-

porter receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unex-

pected adverse product experience associated with the product or may significantly increase in the frequency of a serious, expected adverse product experience;

(2) shall require reporting of other signifi-

cant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

(3) shall not impose requirements unduly burdening the tobacco product manufac-

turer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

(4) when prescribing the procedure for making requests for information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and iden-
tify to the fullest extent practicable such report or information;

(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information sub-

mitted under this chapter.

In prescribing regulations under this sub-

section, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The provisions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a pa-

tient, irrespective of whether or when he or she ceases to be a patient.

(b) REPORTS OF REMOVALS AND CORREC-

TIONS.

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regula-

tion require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manu-

facturer or importer. The Secretary may require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information sub-

mitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The provisions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a pa-

tient, irrespective of whether or when he or she ceases to be a patient.

(2) REPORTS OF REMOVALS AND CORREC-

TIONS.

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regula-

tion require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manu-

facturer or importer. The Secretary may require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information sub-

mitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The provisions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a pa-

tient, irrespective of whether or when he or she ceases to be a patient.

(2) EXCEPTION.—No report of the correc-

tive action or removal of a tobacco product may be required under paragraph (1) if a re-

port of such corrective action or removal was required and has been submitted under sub-

paragraph (A).
(SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.)

(a) IN GENERAL.—

(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term ‘new tobacco product’ means—

(A) any tobacco product (including those products that were not commercially marketed in the United States as of June 1, 2003; or

(B) any modification (including a change in design, flavor, component, part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after June 1, 2003.

(2) PREMARKET APPROVAL REQUIRED.—

(A) Approval under this section of an application for premarket approval for any new tobacco product is required unless—

(i) the manufacturer has submitted a report under section 905(j); and

(ii) the Secretary has issued an order that the tobacco product—

(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2003; and

(II) is in compliance with the requirements of this Act; or

(bb) is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j); and

(ii) for which a report was submitted under section 905(j) within such 15-month period, except that subparagraph (A) shall apply to a tobacco product—

(I) that was first introduced or delivered for introduction into interstate commerce for test marketing in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

(ii) for which a report was submitted under section 905(j) within such 15-month period, except that subparagraph (A) shall apply to a tobacco product—

(I) that was first introduced or delivered for introduction into interstate commerce for test marketing in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

(ii) for which a report was submitted under section 905(j) within such 15-month period, except that subparagraph (A) shall apply to a tobacco product—

(1) CONTENTS.—An application for premarket approval shall contain—

(A) full information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products; (B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packaging and installation of, such tobacco product;

(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product; and (E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

(F) specimens of the labeling proposed to be used for such tobacco product; and

(G) such other information relevant to the subject matter of the application as the Secretary may require.

(2) REFERENCE TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

(A) may, on the Secretary’s own initiative; or

(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation to the Secretary for approval of the application, together with all underlying data and the reasons or basis for the recommendation.

(3) ACTION ON APPLICATION.—

(1) DEADLINE.—

(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue an order authorizing the use of such tobacco product.

(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)), the Secretary shall, in such case, issue an order authorizing the use of such tobacco product.

(2) WITHDRAWAL AND TEMPORARY SUSPENSION.—

(A) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after notice and opportunity for public hearing, issue an order permitting the temporary suspension of the use of a tobacco product if, upon the basis of the information submitted to the Secretary as a result of such application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of public health;

(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packaging of such tobacco product do not conform to the requirements of section 906(e); or

(C) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, compliance with which is a condition of approval of the application, and there is a lack of adequate information to justify the deviation from such standard.

(4) DENIAL OF APPROVAL.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the reasons for denial and specifying which section of this Act applies to such tobacco product.

(5) BASIS FOR ACTION.—For purposes of this section, the finding as to whether approval of a tobacco product is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

(6) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)), the Secretary shall, in such case, issue an order permitting the temporary suspension of the use of a tobacco product if, upon the basis of the information submitted to the Secretary as a result of such application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of public health;

(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packaging of such tobacco product do not conform to the requirements of section 906(e); or

(C) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, compliance with which is a condition of approval of the application, and there is a lack of adequate information to justify the deviation from such standard.
Adding a description of the proposed product and any proposed advertising and labeling;
"(B) ADDITIONAL FINDINGS REQUIRED.—In order to approve an application under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—
(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances and the product as actually used exposes consumers to the specified reduced level of the substance or substances,
(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar tobacco products on the market unless such increases are minimal and the anticipated overall impact of use of the product remains a substantial and measurable reduction in mortality and morbidity among individual tobacco users;
(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—
(I) is or has been demonstrated to be less harmful; or
(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

(iv) approval of the application is expected to contribute to the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

(1) IN GENERAL.—Applications approved under this paragraph shall be limited to a term of not more than 5 years, but may be renewed by the Secretary upon a demonstration that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

(2) AGREEMENTS BY APPLICANT.—Applications approved under this paragraph shall be conditioned on the applicant’s agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the application approval on consumer perception, behavior, and health, and to enable the Secretary to review the accuracy of the determinations upon which the approval was based in accordance with a protocol approved by the Secretary.

(3) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

(4) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—
(A) scientific evidence submitted by the applicant; and
(B) scientific evidence and other information that is available to the Secretary.

(5) IMPLEMENTING REGULATIONS OR GUIDANCE.—
(I) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modifications to tobacco products. Such regulations or guidance shall—
(A) establish minimum standards for scientific studies needed prior to approval to modify the postmarket surveillance and studies imposed under subsection (g)(2)(C)(i) or (ii); and
(B) establish minimum standards for postmarket surveillance, and other feasible outcome measures, as appropriate.

(II) IMPLEMENTING REGULATIONS OR GUIDANCE.—
(A) ADDITIONAL CONDITIONS FOR APPROVAL.—The Secretary shall require the approval of an application under this section that any advertising and promotion of the tobacco product.

(B) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances which are the subject of the application, that the percent (or fraction) of change of identity of the reference tobacco products that were compared to the product that is the subject of the application; or

(C) any postmarket surveillance or studies reveal that the approval of the application is no longer consistent with the protection of the public health;

and

(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in the collection of data that the Secretary designates to protect the public health.

(3) WITHDRAWAL OF APPROVAL.—The Secretary, after an opportunity for an informal hearing, shall withdraw the approval of an application under this section if the Secretary determines that—
(I) such postmarket surveillance and studies imposed under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);
(II) the application failed to include material information or included any untrue statement of material fact;
(III) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—
(A) a tobacco product standard is established pursuant to section 907;

(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

(C) any postmarket surveillance or studies reveal that the approval of the application is no longer consistent with the protection of the public health;

and

(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(i) or (ii); or

(5) the applicant failed to meet a condition imposed under subsection (h).

(1) PROHIBITIONS AGAINST ADVERTISING.—
(A) IN General.—The Secretary shall limit an approval under subsection (g)(3) for a specified period of time.

(B) ADVERTISING.—The Secretary may require that an applicant, whose application has been approved under this subsection, comply with requirements relating to advertising and promotion of the tobacco product.

(C) A DDITIONAL CONDITIONS FOR APPROVAL.—The Secretary shall require the approval of an application under this section that—
(I) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);
(II) the application failed to include material information or included any untrue statement of material fact;
(III) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—
(A) a tobacco product standard is established pursuant to section 907;

(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

(C) any postmarket surveillance or studies reveal that the approval of the application is no longer consistent with the protection of the public health;
a regular basis as new scientific information becomes available.

"(4) New Tobacco Products.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a rule regarding a new tobacco product under section 910 and for which the applicant seeks approval, including in such rule any amendments to the regulations under section 910.

"(d) Other Remedies.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

"(e) Regulations and Orders Must Include Basis in Record.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

"SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.—

"The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

"SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.—

"(a) Jurisdiction.—

"(1) In General.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

"(2) Enforcement.—Any advertising that violates a provision of the regulations referred to in section 192 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

"(b) Coordination.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

"(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as an enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

"(2) the Secretary shall consult with the Chairman of the Federal Trade Commission in revising the label statements and requirements under each of such sections.

"SEC. 915. CONGRESSIONAL REVIEW PROVISIONS.—

"In accordance with section 801 of title 5, United States Code, Congress shall review, and may disapprove, any rule under this chapter that is subject to section 801. This section and section 801 do not apply to the final rule referred to in paragraphs (1) and (2) of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

"SEC. 916. REGULATION REQUIREMENT.—

"(a) Testing and Disclosure.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall have adopted regulations of Food and Drugs, shall promulgate regulations under this Act that meet the requirements of subsection (b).

"(b) Coordination.—The regulations promulgated under subsection (a) shall require testing and reporting of tobacco product constituent ingredients, additives, and tobacco product constituents, by brand and sub-brand that the Secretary determines should be disclosed to the public health. The regulations may require that tobacco product manufacturers or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, in tobacco products. The Secretary shall determine which tobacco product constituents, including smoke constituents, should be disclosed to the public protect the public health and will not mislead consumers about the risk of tobacco related disease.

"(c) Authority.—The Food and Drug Administration shall have the authority under this chapter to conduct or require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

"SEC. 917. PRESERVATION OF STATE AND LOCAL AUTHORITY.—

"(a) In General.—

"(1) Preservation.—Except as provided in paragraph (2), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, and more stringent than, the laws established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure, advertising, promotion, and use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

"(2) Exception.—Certain State and Local Requirements.—

"(A) General.—No State or political subdivision of a State may establish or enforce with respect to tobacco products any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket approval, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

"(B) Exemption.—Section 801(b)(4) of the Family Smoking Prevention and Tobacco Control Act does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, or the liability of any person under the product liability law of any State.

"SEC. 918. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—

"(a) Establishment.—Not later than 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish an 11-member advisory committee, to be known as the 'Tobacco Products Scientific Advisory Committee' (in this section referred to as the 'Advisory Committee').

"(b) Membership.—

"(1) In General.—

"(A) Members.—The Secretary shall appoint members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and
experience in the medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

(1) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

(2) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

(3) 1 individual as a representative of the general public;

(4) 1 individual as a representative of the interests of tobacco growers.

(c) NONVOTING MEMBERS.—The members of the committee appointed under clauses (iv) and (v) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

(d) SECRETARY MAY APPOINT.—The Secretary may appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency, office, or area of the enforcement of this Act. The Secretary may appoint Federal employees as ex officio members.

(3) CHAIRPERSON.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as chairperson.

(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

(1) as provided in this chapter;

(2) on the effects of the alteration of the nicotine yields from tobacco products;

(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

(4) on its review of other safety, depend- ence, or health issues relating to tobacco products as requested by the Secretary.

Sec. 919. Drug Products Used to Treat Tobacco Dependence.

(a) ESTABLISHMENT OF QUARTERLY USER FEE.—The Secretary shall assess a quarterly user fee with respect to every quarter of each fiscal year commencing fiscal year 2008, calculated in accordance with this section, upon each manufacturer and importer of tobacco products subject to this chapter.

(b) FUNDING OF FDA REGULATION OF TOBACCO PRODUCTS.—The Secretary shall make user fees collected pursuant to this section available to, in each fiscal year, for the costs of the Food and Drug Administration related to the regulation of tobacco products under this chapter.

(c) ASSESSMENT OF USER FEE.—

(1) AMOUNT.—Except as provided in paragraph (4), the total user fees assessed each year pursuant to this section shall be sufficient, and shall not exceed what is necessary, to pay for the costs of the activities described in subsection (b) for each fiscal year.

(2) ALLOCATION OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

(A) IN GENERAL.—The user fee to be paid by each manufacturer or importer of tobacco products under this chapter shall be determined under subsection (e) as a percentage of the total sales of the manufacturer or importer of tobacco products subject to this section.

(B) DETERMINATION OF VOLUME OF DOMESTIC SALES.—

(i) IN GENERAL.—The calculation of gross domestic volume of a class of tobacco products by a manufacturer or importer, and by all manufacturers and importers as a group, shall be made by the Secretary using information provided by manufacturers and importers pursuant to subsection (f), as well as any other relevant information provided to or obtained by the Secretary.

(ii) MEASUREMENT.—For purposes of the calculations under this subsection and the following provisions, the value of the gross domestic volume of tobacco products shall be measured by—

(A) the number of cigarettes sold; and

(B) the number of regular cigars sold; and

(iii) EXCLUSION.—For purposes of this section, the Secretary shall not include in the gross domestic volume of tobacco products the number of cigarettes that—

(A) are sold for use outside of the United States; and

(B) are sold to the United States government, or to any other entity that is a government agency, or to any person, firm, cooperative, or association that is primarily engaged in the production of tobacco products for use outside of the United States; and

(iv) PROHIBITION.—No manufacturer or importer of tobacco products shall be subject to the user fees under this section if the Secretary determines that the tobacco products are not subject to the user fees under this section.

(v) DETERMINATION OF VOLUME OF TOBACCO PRODUCTS.—

(i) IN GENERAL.—Each tobacco product shall be determined to be a tobacco product under this section if the tobacco product—

(A) is not subject to a user fee under this section, and

(B) is not subject to a user fee under any other provision of this chapter.

(ii) FEE.—The Secretary shall assess a fee of 

$0.001 for each 200 cigarettes of tobacco products sold; and

(iv) for each subsequent fiscal year, shall not exceed the maximum fee assessed for the previous fiscal year, as adjusted by the Secretary (after notice, published in the Federal Register) to reflect the greater of—

(A) 1.5 percent increase over the fee for the previous fiscal year, or

(B) the rate of increase in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending on June 30 preceding the fiscal year for which fees are being established; or

(v) the lower of the fees assessed for the current fiscal year and the fees assessed for the previous fiscal year, as adjusted by the Secretary.

(d) DETERMINATION OF USER FEE BY COMPANY MARKET SHARE.—

(i) IN GENERAL.—The user fee to be paid by each manufacturer or importer of a given class of tobacco products subject to this section shall be determined in each quarter by multiplying—

(A) such manufacturer’s or importer’s market share of such class of tobacco products, by

(B) the portion of the user fee amount for the current quarter to be assessed on manufacturers and importers of such class of tobacco products as determined under subsection (e).

(ii) NONFAIR SHARE.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under subsection (d) for each quarter of each fiscal year. Such notifications shall occur not earlier than 3 months prior to the end of the quarter for which such assessment is made, and all assessments shall be made not later than 60 days after each such notification.

(e) DETERMINATION OF USER FEE BY COMPANY MARKET SHARE.—

(i) IN GENERAL.—The user fee to be paid by each manufacturer or importer of a given class of tobacco products subject to this section shall be determined in each quarter by multiplying—

(A) such manufacturer’s or importer’s market share of such class of tobacco products, by

(B) the portion of the user fee amount for the current quarter to be assessed on manufacturers and importers of such class of tobacco products as determined under subsection (e).

(ii) DETERMINATION OF USER FEE BY COMPANY MARKET SHARE.—

(iii) IN GENERAL.—The calculation of gross domestic volume of a class of tobacco products by a manufacturer or importer, and by all manufacturers and importers as a group, shall be made by the Secretary using information provided by manufacturers and importers pursuant to subsection (f), as well as any other relevant information provided to or obtained by the Secretary.

(iv) MEASUREMENT.—For purposes of the calculations under this subsection and the following provisions, the value of the gross domestic volume of tobacco products shall be measured by—

(A) the number of cigarettes sold; and

(B) the number of regular cigars sold.

(v) EXCLUSION.—For purposes of this section, the Secretary shall not include in the gross domestic volume of tobacco products the number of cigarettes that—

(A) are sold for use outside of the United States; and

(B) are sold to the United States government, or to any other entity that is a government agency, or to any person, firm, cooperative, or association that is primarily engaged in the production of tobacco products for use outside of the United States; and

(vi) PROHIBITION.—No manufacturer or importer of tobacco products shall be subject to the user fees under this section if the tobacco product—

(A) is not subject to a user fee under this section, and

(B) is not subject to a user fee under any other provision of this chapter.

(vii) DETERMINATION OF VOLUME OF TOBACCO PRODUCTS.—

(i) IN GENERAL.—Each tobacco product shall be determined to be a tobacco product under this section if the tobacco product—

(A) is not subject to a user fee under this section, and

(B) is not subject to a user fee under any other provision of this chapter.

(ii) FEE.—The Secretary shall assess a fee of 

$0.001 for each 200 cigarettes of tobacco products sold; and

(iv) for each subsequent fiscal year, shall not exceed the maximum fee assessed for the previous fiscal year, as adjusted by the Secretary (after notice, published in the Federal Register) to reflect the greater of—

(A) 1.5 percent increase over the fee for the previous fiscal year, or

(B) the rate of increase in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending on June 30 preceding the fiscal year for which fees are being established; or

(v) the lower of the fees assessed for the current fiscal year and the fees assessed for the previous fiscal year, as adjusted by the Secretary.
returns or forms described by this paragraph that are required to be filed with a Government agency on the same date that those returns or forms are required to be filed with such agency, and (ii) such returns or forms described by this paragraph are those returns and forms related to the removal, as defined by section 5072(a) of the Internal Revenue Code of 1986, of tobacco products into domestic commerce or the payment of the taxes imposed under chapter 52 of such Code.

(2) PENALTIES.—Any person that knowingly provides false information required under this subsection or that provides false information under this subsection shall be subject to the penalties described in section 5010 of title 18, United States Code. In addition, such person may be subject to a civil penalty in an amount not to exceed 2 percent of the total value of tobacco products manufactured or imported by such person during the applicable quarter, as determined by the Secretary.

(b) EFFECTIVE DATE.—The user fees prescribed by this section shall be assessed in fiscal year 2008, based on domestic sales of tobacco products during fiscal year 2007 and shall be assessed in each fiscal year thereafter.

SEC. 102. FINAL RULE.

(a) AMENDS CIGARETTE AND SMOKLESS TOBACCO.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule promulgating amendments described in section 1001 of title 18, United States Code. In addition, such person may be subject to a civil penalty in an amount not to exceed 2 percent of the total value of tobacco products manufactured or imported by such person during the applicable quarter, as determined by the Secretary.

(b) LIMITATION ON ADVISORY OPINIONS.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions and forms and forms described by this paragraph are those returns and forms related to the removal, as defined by section 5072(a) of the Internal Revenue Code of 1986, of tobacco products into domestic commerce or the payment of the taxes imposed under chapter 52 of such Code.

(c) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions and forms and forms described by this paragraph are those returns and forms related to the removal, as defined by section 5072(a) of the Internal Revenue Code of 1986, of tobacco products into domestic commerce or the payment of the taxes imposed under chapter 52 of such Code.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions and forms and forms described by this paragraph are those returns and forms related to the removal, as defined by section 5072(a) of the Internal Revenue Code of 1986, of tobacco products into domestic commerce or the payment of the taxes imposed under chapter 52 of such Code.

(3) RULE OF CONSTRUCTION.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an act or of an amendment to a provision of law, or to a provision of law by reference to a provision of law, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting "tobacco product," after "device;"

(2) in subsection (b), by inserting "tobacco product," after "device;"

(3) in subsection (c), by inserting "tobacco product," after "device;"

(4) in subsection (e) (as amended by section 2(c) and 3(b) of the Dietary Supplement and Nonprescription Drug Consumer Protections Act (Public Law 109–462; 120 Stat. 3472)), by inserting "before the or before the refusal to permit access to;"

(5) in subsection (g), by inserting "tobacco product," after "device;"

(6) in subsection (h), by inserting "tobacco product," after "device;"

(7) in subsection (k), by inserting "tobacco product," after "device;"

(8) by striking subsection (p) and inserting the following:

(p) The failure to register in accordance with section 510 or 903, the failure to provide any information required by section 510(k), 510(k), 510(k), or 510(k), or the failure to provide a notice required by section 510(k)(2) or 906(1/2);"

(9) by striking subsection (q)(1) and inserting the following:

(q)(1) The failure or refusal—

(A) to conspicuously display, in a manner prescribed by such regulations, any no-tobacco-sale order issued under section 510, 520, 521, or 908;

(B) to furnish any notification or other material information required by or under section 510, 520, 521, or 908;

(C) to comply with a requirement under section 522 or 913;"

(10) in subsection (q)(2), by striking "de-, device, and inserting "device, and tobacco product;"

(11) in subsection (r), by inserting "or tobacco product, at the term "device" each time that such term appears; and

(12) by adding at the end (as amended by section 9(a) of the Dietary Supplement and Nonprescription Drug Consumer Protections Act (Public Law 109–462; 120 Stat. 3475)) the following:

(j)(1) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

(2) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (in-
(B) by striking “device,” and inserting the following: “device, and (E) Any adulterated or misbranded tobacco product.”

(2) in subsection (d)(1), by inserting “tobacco product,” after “device,”

(3) in subsection (g)(1), by inserting “or tobacco product” after the term “device” each place such term appears; and

(4) in subsection (h)(1), by inserting “or tobacco product” after the term “device” each place such term appears.

(e) Section 702.—Section 702(a) (21 U.S.C. 372(a)) is amended by adding at the end of paragraph (1) the following: “For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.”

(f) Section 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting “tobacco product,” after the term “device,” each place such term appears; and

(2) by inserting “tobacco products,” after the term “devices,” each place such term appears.

(g) Section 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)(A), by inserting “tobacco products,” after the term “devices,” each place such term appears; and

(2) in subsection (a)(1)(B), by inserting “or tobacco product” after the term “restricted devices” each place such term appears.

(h) in subsection (b), by inserting “tobacco product,” after “device.”

(i) Section 705(b) (21 U.S.C. 375(b)) is amended by inserting “tobacco products,” after “devices.”

(j) Section 709.—Section 709 (21 U.S.C. 379) is amended by inserting “tobacco product,” after “device.”

(k) Section 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting “tobacco products,” after the term “devices,” the first time such term appears;

(B) by inserting “or section 905(j)” after “section 510”; and

(C) by striking the term “drugs or devices” each time such term appears and inserting “drugs, devices, or tobacco products”;

(2) in subsection (e)(1), by inserting “tobacco product,” after “device,”; and

(3) by adding at the end the following: “(p)(1) Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

(B) the public health implications of such exports including evidence of a negative public health impact; and

(C) recommendations or assessments of policy alternatives available to Congress and the Executive Branch to reduce any negative public health impact caused by such exports.

(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.

(k) Section 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking “and” after “cosmetics,” and

(2) inserting “, and tobacco products” after “devices”.

(L) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term “repeated violation”, as used in section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) as amended by subsection (c), by identifying regulations of particular requirements over a specified period of time at a particular retail outlet that constitute a repeated violation;

(B) providing timely and effective notice to the retailer of each alleged violation at a particular retail outlet;

(C) providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing a period of time during which, if there are no violations by a particular retail outlet, that outlet will not be considered to have been site of repeated violations when the next violation occurs; and

(F) providing that good faith reliance on the presentation of a false government issued photographic identification that contains a date of birth does not constitute violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations;

(g) (1) adopting and enforcing a written and enforceable policy against sales to minors;

(h) informing its employees of all applicable laws;

(i) establishing disciplinary sanctions for employee noncompliance; and

(j) requiring its employees to verify age by way of photographic identification or electronic scanning device.

(2) General effective date.—The amendments made by subsection (c), other than the amendments made by subparagraphs (B) and (C), of such subsection, shall take effect upon the issuance of guidance described in paragraph (1).

(k) Special effective date.—The amendments made by paragraph (2) of subsection (c) shall take effect on the date of enactment of this Act.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING REQUIREMENTS

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

SEC. 4. LABEL REQUIREMENTS.

(1) Label Requirements.—

(A) In General.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarette the package of which fails to bear, for the sale of tobacco products if the retailer has taken effective steps to prevent such violations;

(B) by requiring its employees to verify age by way of photographic identification or electronic scanning device.

(2) SPECIFIC EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (c) shall take effect on the date of enactment of this Act.

SEC. 201. CIGARETTE LABEL AND ADVERTISING REQUIREMENTS

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

SEC. 4. LABEL REQUIREMENTS.

(A) In General.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarette the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

(1) WARNING: Tobacco smoke causes fatal lung disease.

(2) WARNING: Cigarettes cause cancer.

(3) WARNING: Cigarettes cause strokes and heart disease.

(4) WARNING: Smoking during pregnancy can harm your baby.

(5) WARNING: Smoking can kill you.

(6) WARNING: Tobacco smoke causes fatal lung disease in non-smokers.

(7) WARNING: Quitting smoking now greatly reduces serious risks to your health.

(B) Place.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Except as provided in subpar-

(C) by inserting “drugs or devices” each such statement and (where applicable) the standard set forth in this paragraph in cigarette advertising shall comply with the requirements of this section, one of the labels specified in subsection (a) of this section.

SEC. 4. LABEL REQUIREMENTS.

(A) In General.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarette the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

(1) WARNING: Tobacco smoke causes fatal lung disease.

(2) WARNING: Cigarettes cause cancer.

(3) WARNING: Cigarettes cause strokes and heart disease.

(4) WARNING: Smoking during pregnancy can harm your baby.

(5) WARNING: Smoking can kill you.

(6) WARNING: Tobacco smoke causes fatal lung disease in non-smokers.

(7) WARNING: Quitting smoking now greatly reduces serious risks to your health.

(B) Place.—Each label statement required by paragraph (1) shall be located in
‘WARNING’ in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 25 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that in the case of—

(A) an advertisement that appears in a newspaper, magazine, periodical, or other publication, each page of such publication shall be in English, except that in the case of—

(1) a half-page advertisement of a 20 centimeter by 2 column advertisement, the label statements shall appear in the predominant language of the publication; and

(2) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

(3) MATCHBOOKS.—Notwithstanding paragraph (2)(A) of this subsection, (a) may be printed on the inside cover of the matchbook.

(4) ADJUSTMENT BY SECRETARY.—The Secretary, through a rulemaking under section 553 of title 5, United States Code, shall adjust the format and type sizes of any text required to appear in packaging of tobacco products, each label statement required to appear in a publication under this section, or any required tar, nicotine, yield, or other constituent required to appear in such package, shall appear in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, packager, importer, distributor, or retailer and approved by the Secretary.

(5) ROTATION.—The tobacco product manufacturer, packager, importer, distributor, or retailer shall submit to the Secretary a plan which is an alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with the requirements of this section, for packaging that is supplied to the retailer by a tobacco products manufacturer, importer, or distributor and that is not altered by the retailer. The plan shall require the retailer to offer for sale, sell, or distribute a smokeless tobacco product that is not labeled in accordance with the requirements of this section, one of the labels specified in subsection (a).

(6) REQUIRED LABEL STATEMENTS.—

(I) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

(2) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and where the text occupied by the required tar, nicotine, or other constituent yield warning shall—

(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

(B) the word ‘WARNING’ shall appear in capital letters and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

(3) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, packager, importer, distributor, or retailer and approved by the Secretary.

(4) The label statements submitted in subparagraph (B) of paragraph (3) shall be rotated quarterly in an alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, packager, importer, distributor, or retailer and approved by the Secretary.

(5)(A) The Secretary shall review each plan submitted under paragraph (3) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, packager, distributor, or retailer at the same time.

(B) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

(6) The provisions of this subsection do not apply to—

(a) a tobacco products manufacturer, importer, distributor, or retailer of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for further distribution within the United States.

(b) A retailer of smokeless tobacco products shall not be in violation of this subsection if the retailer displays, in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this section, unless the retailer displays in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this section.
on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.'

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

Section 3 of the Comprehensive Smokeless Tobacco Control Act of 1976 (42 U.S.C. 4421), as amended by section 204, is further amended by adding at the end the following:

'(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 533 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary determines that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE CONSUMER.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

'(e) NON-NICOTINE AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

'(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 533 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the cigarettes specified by paragraph (1), together with the tar and nicotine yields of each packaged hand-rolled cigarette, that such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

'(2) RESOLUTION OF DIFFERENCES.—Any differences between requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission by a memorandum of understanding between the Secretary and the Federal Trade Commission.

'(3) CIGARETTE AND OTHER TOBACCO PRODUCT YIELDS. In addition to the requirements established by the Secretary under paragraph (1), the Secretary may, by a rulemaking conducted under section 533 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required by the Secretary from requiring that disclosure be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall preclude the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

'(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or involved in the manufacture, distribution, importation, or sale of tobacco products as defined under this section, except that this subsection shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with the requirements of subsection (a).

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 201. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

'SEC. 921. LABELING, RECORDKEEPING, RECORDS INSPECTION.

'(a) ORIGIN LABELING.—The label, packaging, and shipping containers of tobacco products manufactured for introduction into interstate commerce in the United States shall bear the statement 'sale only allowed in the United States.'

'(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

'(1) IN GENERAL.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

'(2) INSPECTION.—In promulgating the regulations described in subsection (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

'(c) CONDUCT.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product throughout the distribution system.

'(d) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

'RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

'(e) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or counterfeiting of tobacco products, the Secretary may conduct an inspection of the records of a person without paying duties or taxes required by law; or

'RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product manufactured or distributed by a person without paying duties or taxes required by law; or

'RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or counterfeiting of tobacco products, the Secretary shall receive through due care.'

'SEC. 202. AUTHORITY TO REVISE WARNING LABEL STATEMENTS.

'(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Comptroller General of the United States shall conduct a study of cross-border advertising to tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade; and

'RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product manufactured or distributed by a person without paying duties or taxes required by law; or

'RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or counterfeiting of tobacco products, the Secretary shall receive through due care.'

By Mr. KENNEDY (for himself, Mr. BOND, Mr. AKAKA, Mr. LEAHY, Mr. MENENDEZ, Mr. CRAIG, and Mr. SHELBY):

S. 626 A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator BOND in introducing "The Arthritis Prevention, Control and Cure Act.'

Our goal in this important initiative is to provide a strong federal response against arthritis. Early diagnosis, treatment, and appropriate management of arthritis can control its symptoms, improve the quality of life of patients, and Federal action will improve the lives of the family members and caregivers of those affected by the disease.

Arthritis exits in more than a hundred different forms. It’s one of the most devastating diseases impairing the health of the American people. It’s second only to heart disease as a cause of disability. It undermines employment, daily activities such as walking, dressing and bathing for more than seven million Americans.

One out of very five adults in the United States suffers from some form of arthritis. The number of patients in the U.S. with arthritis will keep growing as the number of older Americans continues to increase dramatically in the next few decades. Today, 8.7 million adults, ages 18 through 44, have arthritis, and millions of others are at risk of developing the disease.

In fact, arthritis is one of the most prevalent chronic illnesses and the
leading cause of disability among Americans over age 15. More than 40 percent of adults with arthritis are limited in their activities because of their arthritis. By 2030, nearly 25 percent of the projected United States adult population will have arthritis and these numbers don’t account for the current trends in obesity, which may contribute to future cases of the disease.

It is an illness that affects all types of people in the U.S., not just older Americans. Arthritis knows no boundaries. Men, women and children are all afflicted with the disease. According to the Arthritis Foundation, 24 million women and 17 million men have been diagnosed with arthritis by their doctors. Women are still disproportionately affected by the disease.

Nearly 3 out of every 1,000 American children are affected by arthritis. The devastating effects of pediatric arthritis justifies greater investment by the federal government in research and to identify more effective treatments.

Special concerns are raised by juvenile arthritis because of its impact on family relationships, school life, dating, sports and other aspects active, growing youths. Teens and young adults entering the workforce face even greater challenges.

Arthritis in other rheumatic diseases cost our economy $120 billion annually, according to the Centers for Disease Control and Prevention. In 2003, the cost was equivalent to 1.2 percent of the nation’s gross domestic product. $80 million amount were direct costs for medical care and $47 million were indirect costs for lost earnings. National medical costs attributed to arthritis grew by 24 percent between 1997 and 2003, with an increase attributed to the growing number of people affected by the disease.

In 1975, Congress enacted the National Arthritis Act to encourage basic and clinical research, establish Multi-purpose Arthritis Centers and expand clinical care of the illness. The act was successful in implementing and continued funding of research and has led to important advances in the control, treatment and prevention of the illness.

Early diagnosis, treatment and management can control symptoms and improve the quality of life. Weight control and exercise can help lower risks. Patient education, training and self-management also contribute to greater control of these diseases. Innovative and increasingly effective drug therapies, joint replacements, and other therapeutic alternatives are being developed.

Despite much research identifying effective interventions, many of them are not being used well enough and the inevitable result is unnecessary loss of life, poorer health and poorer quality of life.

Our legislation will expand the effort to find new ways to prevent, treat and care for patients with arthritis and related rheumatic diseases. It will enhance the National Arthritis Action Plan by providing additional support to federal, state and private efforts to prevent and manage arthritis. It will establish a National Arthritis Education and Outreach Campaign to inform the health care profession and the public about successful self-management strategies for controlling the illness.

With greater coordination and intensification of federal research, this bill will organize a National Arthritis and Rheumatic Health Initiative to look at the challenges and opportunities related to these efforts.

In addition, the bill will provide greater attention to juvenile arthritis research by offering planning grants for research specific to juveniles and by prioritizing the activities that create better understanding of the incidence and outcomes associated with juvenile arthritis.

Finally the bill contains incentives to encourage health professionals to enter the field of pediatric rheumatology by education loan repayment and career development awards.

I urge my colleagues to support this public health initiative to reduce the pain and disability of arthritis. Early diagnosis, effective treatment and greater investment in research and prevention can help us wage a stronger battle against one of the most widespread and devastating conditions affecting our Nation.

By Mr. HARKIN (for himself, Mr. SMITH, Mr. SPECTER, and Mr. MARTINEZ):

S. 627 — to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished senior Senator from Oregon, Senator SMITH, to introduce the Safe Babies Act of 2007.

It is a tragic fact that America’s child welfare system is failing our most vulnerable. From birth to age five, children develop their social, emotional, cognitive and moral capacities more rapidly than at any other time in their lives. Early experiences and relationships are absolutely critical to future development; they set the stage for how well individuals learn, think, control their emotions, and relate to others.

This critical period is a time of tremendous promise, but also a time of great vulnerability. Unfortunately, infants and toddlers are disproportionately affected by child abuse and neglect. Children between birth and age three are twice as likely as older children to become victims of maltreatment, and are three times more likely to be placed in foster care. Abuse and neglect during this significant period can lead to perilous developmental outcomes, including school failure, delinquency and crime, substance abuse, and mental health problems.

Yet the current child welfare system does not adequately serve infants and toddlers. Once in foster care, infants and toddlers are more likely to be abused. And they stay in foster care longer than older children. More than 40 percent of infants and toddlers involved in a maltreatment investigation are developmentally delayed, yet only 10 percent of these young people currently receive treatment for developmental problems.

A Federal review of 19 States’ performance on child welfare outcomes found that all of the States received failing grades on outcomes related to providing adequate physical and mental health services.

Without intervention, we put our future generation at risk and perpetuate the cycle of maltreatment. But we can alter these developmental outcomes by ensuring that children are in safe, permanent homes and have access to necessary mental and physical health care. The Safe Babies Act authorizes funding for juvenile court systems, Court Teams for the integrated handling of infant and toddler abuse and neglect cases. By bringing together the legal, child welfare, and children’s services communities, we can promote the health and well-being of our babies and toddlers.

First, this bill establishes a National Court Teams Resource Center. This Resource Center would provide grants and technical assistance to juvenile courts for the creation of local Court Teams to better handle infant and toddler abuse and neglect cases. Few judges have all the necessary knowledge about early childhood development and they frequently lack resources in the community for services necessary for young children. They are often frustrated by the piecemeal provision of services and the overburdened child welfare system. To adequately serve children, they need the expertise of child welfare workers. Guardians Ad Litem, Court Appointed Special Advocates, substance abuse treatment providers and mental health care providers.

Court Teams bring together this expertise. Through monthly case reviews, judges can coordinate efforts by all members of the team to ensure efficient and effective provision of services. The goal of these courts is to prevent multiple placements for infants and toddlers in foster care, secure needed services, and find a permanent home for these children as quickly as possible.

Court Teams work with families in an effort to reunite children with their parents. By bringing together multiple service providers, they can facilitate opportunities for parents to learn to create a safe and nurturing home environment. Court Teams ensure support for future reunification only when the
Mr. President, in our Nation millions of children are reported abused or neglected each year. Of these, more than 900,000 are confirmed maltreated by child protective service organizations and our court systems. Abuse and neglect of children result in approximately 1,500 deaths each year. Children who are under the age of four are at the greatest risk for injury or death—making up nearly 80 percent of child maltreatment fatalities. We also know that shaken-baby syndrome, SBS, is a form of abuse that affects more than 1,200 babies each year.

Studies also tell us that younger children who are abused or neglected are vulnerable to long-term challenges associated with their maltreatment. Their long-term outcomes show much higher rates for social, emotional and cognitive impairment. They are also more likely to adopt high risk behaviors and develop substance abuse and mental health problems than their peers who have not been abused.

These numbers tell us very loudly that there is a crisis in America. Our most vulnerable and innocent are being abused and need our help.

Children who come through our Nation’s court systems need more support. While the hardworking judges, attorneys, child welfare workers and volunteers do so much to help stop the child abuse and neglect they see every day, they too often see families returning to the courts generation after generation. They see their workloads expand. They see too many families in strife.

The Safe Babies Act will help these most vulnerable children. This bill puts into motion a proven model for helping infants and toddlers to recover from their abuse, and for families to stop the cycle of abuse and neglect. This model is made up of a judicial and mental health partnership, or “court team,” that provides the needed abuse and neglect prevention and early intervention services to children and their families. It is based on a model developed by the Honorable Cindy Lederman of the Miami-Dade Juvenile Court in Miami. Seeing the success she has had with this model. It has been replicated in courts across the nation.

In my home State of Oregon, our Salem courts have developed the “Foster Altrumna” model based on Judge Lederman’s model. This program brings together the courts, local treatment providers, and child welfare agencies to provide substance abuse treatment and mental health treatment, as well as parenting intervention to help parents who have had their children removed due to methamphetamine use.

I look forward to the passage of this important legislation and to working with my colleague Senator HARKIN to ensure its passage. There is no issue of greater importance to the safety and welfare of our next generation. I urge my colleagues on both sides of the aisle to support this important bill.
(f) AWARDING OF LOCAL GRANTS.—

(1) IN GENERAL.—The lead agency of a State shall use amounts received under a grant under subsection (a) to award local grants on a competitive basis. In determining whether a local entity is eligible to receive a grant under this subsection, the lead agency shall utilize the following selection criteria:

(A) which (i) demonstrates a need to improve its health information reporting and health information technology;

(B) the extent to which the entity will serve a community with a significant low-income or other medically underserved population;

(C) APPLICATION AND APPROVAL.—To be eligible to receive a local grant under this subsection, an entity shall be a government-owned, government-operated, nonprofit, hospital including a non-Federal short-term general acute care facility that is a critical access hospital located outside a Metropolitan Statistical Area, in a rural census tract of a Metropolitan Statistical Area as determined under the most recent version of the Goldsmith Modification of the Rural-Urban Commuting Area codes determined by the Office of Rural Health Policy of the Health Resources and Services Administration, or is located in an area designated by any law or regulation of the State in which it operates that is a rural area (or is designated by such State as a rural hospital or organization) that submits an application to the lead agency of the State;

(D) contains such information as the State lead agency may require to apply the selection criteria described in paragraph (1);

(E) includes a description of how the hospital intends to use the funds provided under the grant;

(F) contains such information as the State lead agency may require to apply the selection criteria described in paragraph (1);

(G) contains a plan for sustaining the activities after Federal support for the activities and expenditures;

(H) contains a plan for sustaining the activities after Federal support for the activities and expenditures;

(I) contains such information and assurances as the Secretary may require.

(2) USE OF AMOUNTS.—

(A) IN GENERAL.—An entity shall use amounts received under a local grant under this section to—

(iii) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

(iv) services associated with acquiring, implementing, maintaining, and using new or existing computer software and hardware and clinical health care information systems;

(v) providing education and training to staff on information systems and technology designed to improve patient safety and quality of care; and

(vi) purchasing, leasing, subscribing, integrating, or providing clinical decision support tools that integrate patient-specific clinic data with well-established national treatment guidelines and provide ongoing continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers.

(B) GRANT LIMIT.—The amount of a local grant under this subsection shall not exceed $250,000.

(c) REPORTING, MONITORING, AND EVALUATION.—The lead agency of a State that receives a grant under this section shall annually report to the Secretary:

(1) the amounts received under the grant;

(2) the amounts allocated to State grant recipients under the grant;

(3) the breakdown of types of expenditures made by the local grant recipients with such funds;

(4) such other information required by the Secretary and as necessary to enable the Secretary in monitoring the effectiveness of activities carried out under this grant.

(d) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with the requirements of this section and the State plan submitted under subsection (e). If the Secretary, after making seasonal reviews and opportunity for a hearing, finds that there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan or the requirements of this section, the Secretary shall notify the lead agency involved of such finding and that no further payments to the State will be made with respect to the grant until the Secretary is satisfied that the State is in compliance or that the noncompliance will be promptly corrected.

(e) PREEMPTION OF CERTAIN LAWS.—The provisions of this section shall preempt applicable Federal and State procurement laws with respect to health information technology purchased under this section.

(f) RELATION TO OTHER PROGRAMS.—Amounts appropriated under this section shall be in addition to appropriations for Federal programs for Rural Hospital FLEX grants, Rural Health Outreach grants, and Small Rural Hospital Improvement Program grants.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2008 through 2010.
By Mr. COLEMAN:
S. 629. A bill to amend the Consolidated Farm and Rural Development Act to provide direct and guaranteed loans, loan guarantees, and grants to complete the construction and rehabilitation of rural critical access hospitals; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today, to amend the Consolidated Farm and Rural Development Act to provide direct and guaranteed loans, loan guarantees, and grants to complete the construction and rehabilitation of critical access hospitals, be printed in the RECORD.

The倫理 no objection, the text of the bill was ordered to be printed in the RECORD, as follows: S. 629

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

SECTION 1. LOANS, LOAN GUARANTEES, AND GRANTS FOR RURAL CRITICAL ACCESS HOSPITAL RECONSTRUCTION AND REHABILITATION.

(a) In General.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a) is amended—

(1) in paragraph (1)—

(A) by striking the first through fifth sentences as subparagraphs (A) through (E), respectively, and inserting—

“(F) LOANS AND LOAN GUARANTEES FOR RURAL CRITICAL ACCESS HOSPITAL RECONSTRUCTION AND REHABILITATION.—Notwithstanding any other provision of law, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation for the cost of making community facility direct and guaranteed loans under this paragraph, in a total amount of not to exceed an additional $1,600,000,000 for the period of fiscal years 2002 through 2012, to complete the construction and rehabilitation of critical access hospitals (as defined in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm))) and

(2) in paragraph (19), by adding at the end the following:

“(D) GRANTS FOR RURAL CRITICAL ACCESS HOSPITAL RECONSTRUCTION AND REHABILITATION.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall make available an additional $1,600,000,000 for the period of fiscal years 2008 through 2012 to make essential community facility grants under this paragraph to complete the construction and rehabilitation of critical access hospitals (as defined in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm))).”

(b) Conforming Amendments.—Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) (as amended by sub-section (a)(1)) is amended—

(1) by striking paragraph (19) (A), (a)(1)(A) The Secretary is also authorized to and inserting the following:

“SEC. 306. WATER, WASTE DISPOSAL, AND COMMUNITY INTEGRITY LOANS, LOAN GUARANTEES, AND GRANTS.

“(a) Authority.—

“(1) WATER, WASTE DISPOSAL, AND COMMUNITY INTEGRITY FACILITIES.—The Secretary shall make loans, guarantees, and grants authorized by this section to the following:

“(A) IN GENERAL.—The Secretary may;”

(2) by striking “(B) The Secretary may also” and inserting the following:

“(B) RURAL CRITICAL ACCESS ZONES AND RURAL ENTERPRISE COMMUNITIES.—The Secretary may;”

(3) by striking “(C) The Secretary may also” and inserting the following:

“(C) ELECTRIC BORROWERS.—The Secretary may;”

(1) by striking “(D) When any” and inserting the following:

“(D) GROSS INCOME.—If any;” and

(5) by striking “(E) With respect” and inserting the following:

“(E) BOND COUNSEL—With respect.”

By Mr. COLEMAN (for himself, Mr. DURBIN, and Mr. HARKIN):
S. 630. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate for Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today, the Rural Health Services Preservation Act of 2007, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows: S. 630

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Remote Monitoring Access Act of 2007”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Remote patient monitoring can make chronic disease management more effective and efficient for patients and the health care system.

(2) By collecting, analyzing, and transmitting clinical health information to a health care practitioner, remote monitoring technologies allow patients and physicians to manage the patient’s condition in a consistent and real-time fashion.

(3) Utilization of these technologies not only improves the quality of care given to patients, it also reduces the need for frequent physician office appointments, costly emergency room visits, and unnecessary hospitalizations.

(4) Monitoring a patient’s disease from the home reduces the need for face-to-face physician interactions, thereby minimizing unnecessary travel and missed work and providing particular value to individuals residing in rural or underserved communities who would otherwise face potentially significant access barriers to receiving needed care.

(5) Four major areas in which remote management technologies are emerging in health care are the treatment of congestive heart failure, diabetes, cardiac arrhythmia, and sleep apnea (sleep disordered breathing). The transmission of each of these conditions, to the physician or the patient as appropriate, are essential to providing timely and appropriate therapeutic interventions which can then reduce expensive hospitalizations.

(6) Despite these innovations, remote management technologies have failed to diffuse into the health care marketplace. One significant factor contributing to this delay is the relative lack of payment mechanisms in fee-for-service Medicare to reimburse for remote, non-face-to-face management.

(7) This Act will eliminate this barrier to new technologies by requiring Medicare to
reimburse doctors for time spent analyzing data transmitted to them by remote patient management technologies.

(b) This Act also promotes high quality care—resulting in the Secretary of Health and Human Services to consult with physician groups to create a standard of care and a quality standard for remote patient management services for the covered chronic conditions.

(c) This Act provides physicians with a financial incentive to meet or exceed the standards and quality standards.

SEC. 3. COVERAGE OF REMOTE PATIENT MANAGEMENT SERVICES FOR CHRONIC HEALTH CONDITIONS.

(a) In General.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (ii)(II), by striking “(v)” and “inserting” and “(vi)”;

(ii) by adding at the end the following new clause:

“(V) BUDGETARY TREATMENT OF CERTAIN SERVICES.—The additional expenditures attributable to services described in section 1861(s)(2)(BB) shall not be taken into account in applying clause (ii) of subsection (b) for 2008.”; and

(B) by adding at the end the following new paragraph:

“(7) TREATMENT OF REMOTE PATIENT MANAGEMENT SERVICES.—In determining relative value units for remote patient management services (as defined in section 1861(s)(cc)), the Secretary, in consultation with appropriate physician groups, shall take into consideration—

(A) costs associated with such services, including physician time involved, installation and information transmission costs, costs of remote patient management technology that is reimbursable under this title, and resource costs necessary for patient monitoring and follow-up (but not including costs of any related item or non-physician service otherwise reimbursed under this title); and

(B) the level of intensity of services provided, based on—

(i) the frequency of evaluation necessary to manage the individual being furnished the services;

(ii) the amount of time necessary for, and the complexity of the evaluation, including the information that must be obtained, reviewed, and analyzed; and

(iii) the number of possible diagnoses and the number of management options that must be considered.

(c) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

“Remote Patient Management Services

(ccc)(1) The term ‘remote patient management services’ means the remote monitoring and management of an individual with a covered chronic health condition (as defined in paragraph (2)) through the utilization of a system of technology that allows a remote interface to collect and transmit clinical data between the individual and the responsible physician or supplier for the purposes of clinical diagnosis or response by the physician or supplier.

(2) For purposes of paragraph (1), the term ‘covered chronic health condition’ includes—

(A) heart failure;

(B) diabetes;

(C) cardiac arrhythmia;

(D) sleep apnea; and

(E) any other chronic condition determined by the Secretary to be appropriate for treatment through remote patient management services.

(3)(A) The Secretary, in consultation with appropriate physician groups, shall develop guidelines for the frequency of billing for remote patient management services. Such guidelines shall be determined based on medical necessity and shall be sufficient to ensure appropriate and timely monitoring of individuals being furnished such services.

(B) The Secretary, acting through the Agency for Health Care Research and Quality, shall do the following:

(1) Not later than 1 year after the date of enactment of the Remote Monitoring Access Act of 2007, develop, in consultation with appropriate physician groups, a standard of care and quality standards for remote patient management services for the covered chronic health conditions specified in subparagraphs (A), (B), (C), and (D) of paragraph (2)

(ii) If the Secretary makes a determination under paragraph (2)(B) with respect to a chronic condition, develop, in consultation with appropriate physician groups, a standard of care and quality standards for remote patient management services for such condition within 1 year of such determination.

(iii) Periodically review and update such standards of care and quality standards under this subparagraph as necessary.

(c) ELECTIVE PAYMENT SCHEDULE.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—
(d) State Plan.—To be eligible to receive a grant under paragraph (1), a State shall submit to the Secretary a State plan that shall—

(1) identify the lead agency of the State; and

(2) the amounts received under a grant under the appropriate criteria as a subgrant under paragraph (1) for the fiscal year shall not exceed $300,000.

(f) Reporting, Monitoring, and Evaluation.—The lead agency of each State that receives a grant under paragraph (1) may require to apply the selection criteria under paragraph (3) to—

(A) the extent to which a grant applicant demonstrates a need to improve the access of mental health services to underserved populations; and

(B) the extent to which a grant applicant will serve a rural area.

(g) Review of Compliance with State Plan.—In reviewing the effectiveness of the program carried out under the State plan, the Secretary may find necessary for purposes of oversight of program activities and expenditures, and to pay administrative costs incurred in connection with providing the assistance to grant recipients;

(2) the amounts allocated as subgrants under subsection (e) to—

(i) purchasing, leasing, repairing, maintaining, or upgrading telemental health services equipment;

(ii) operating telemental health services equipment, including telecommunications, utilities, and software costs;

(iii) providing education and training to staff concerning the provision of telemental health services; and

(iv) employing additional mental health services professional staff to provide telemental health services.

(h) Interaction of Federal and State Law.—No general or specific procurement laws shall be preempted to the extent necessary to carry out this section.
Frighteningly, the disorders that newborn screening tests for can come without warning. For most of these disorders, there is no medical history of the condition in the family and no way to predict the health of a baby based on the health of the parents. Although newborn screening is conducted for disorders that are quite rare, there is a chance that any one newborn will be affected. In that sense, this is an issue that has a direct impact on the lives of all families.

Fortunately, some screening has become common practice in every state. Each year, over four million infants have blood taken from their heel after birth to detect these disorders that could threaten their life and long-term health. As a result, about one in 4,000 babies is diagnosed with one of these disorders. That means that newborn screening could protect the health or save the life of approximately 1,000 newborns each year. That is 1,000 tragedies averted. These families that can know the joy of a new infant rather than absolute heartbreak.

In 2004, the American College of Medical Genetics (ACMG) completed a report commissioned by the U.S. Department of Health and Human Services which recommended that every baby born in the U.S. be screened for twenty-nine disorders, including certain metabolic conditions and hearing deficiency. Unfortunately, as of February 2007, only 11 States and the District of Columbia require infants to be screened for all twenty-nine of these recommended disorders. If diagnosed early, all of these conditions can be successfully managed or treated to prevent or mitigate severe and often lifelong health problems.

For every baby saved, another two are estimated to be born with potentially detectable disorders that go undetected because they are not screened. These families face the prospect of disability or death from a preventable disorder. The survival of a newborn may very well come down to the state in which it is born, because not all states test for every detectable disorder.

The Government Accountability Office, GAO, released a report in 2003 highlighting the need for this legislation. According to the report, most states do not educate parents and health care providers about the availability of tests beyond what is mandated by a State. States also reported that they do not have the resources to purchase the technology and train the staff needed to expand newborn screening programs. Finally, even when States do detect an abnormal screening result, the majority do not inform parents directly.

The legislation that we are introducing today will give states an additional helping hand toward meeting their responsibilities. The legislation is recommended by providing $25 million for states to expand and improve their newborn screening programs. In order to access these resources, states will be required to commit to screening for all 29 disorders.

Our legislation will also authorize $35 million for two types of grants. The first seeks to address the lack of information available to health care professionals and parents regarding newborn screening. Every parent should have the knowledge necessary to protect their child. The tragedy of a newborn’s death is only compounded by the frustration of learning that the death was preventable. This bill authorizes grants to provide education and training to health care professionals, State laboratory personnel, families and consumer advocates.

The second type of grant will support States in providing follow-up care for those children diagnosed by a disorder detected through newborn screening. While these families are the fortunate ones, in many cases they are still faced with the prospect of extended and complex treatment and major lifestyle changes. We need to remember that care does not stop at diagnosis. Health care does not stop at diagnosis.

To ensure the quality of laboratories involved in newborn screening, so that tests are as accurate as possible and infants receive appropriate care, the legislation authorizes $5 million for the Centers for Disease Control and Prevention, CDC, to carry out a number of functions such as quality assurance for newborn screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening labs.

In the event of a public health emergency, such as Hurricane Katrina, newborn screening may seem like a low priority. However, if babies aren’t tested and, when necessary, treated within the first few days of life, they may suffer irreparable harm or even death. In the wake of a public health crisis, contingency planning for newborn screening is essential. Our legislation requires the CDC, in consultation with the Health Resources and Services Administration, HRSA, to develop a national contingency plan for newborn screening in the event of a public health emergency within 180 days of enactment of the bill.

Finally, the bill directs the CDC, in consultation with HRSA, to establish a national surveillance program for newborn screening, and authorizes $15 million for that purpose. Such a program will help us conduct research to better understand these rare disorders, and will hopefully lead us toward more effective treatments and cures.

I urge my colleagues to support this important legislation so that every newborn child will have the best possible opportunity that America can offer to live a long, happy and healthy life. I look forward to working with the Chairman of the Health Education, Labor, and Pensions Committee, Senator KENNEDY, and Ranking Member Enzi to advance this legislation as early as possible.
I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Newborn Screening Saves Lives Act of 2007”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2004, the American College of Medical Genetics (ACMG) completed a report commissioned by the Department of Health and Human Services which recommended that every baby born in the United States be screened for disorders, including certain metabolic conditions and hearing deficiencies.

(2) Currently only 11 States and the District of Columbia require infants to be screened for 29 specific disorders, including some conditions that may threaten their long-term health.

(3) Approximately 4,000 infants born each year are diagnosed with these detectable and treatable disorders. If diagnosed early, these conditions are successfully managed, and can be treated to prevent severe and often lifelong health consequences.

(4) In 2004, the American College of Medical Genetics (ACMG) completed a report commissioned by the Department of Health and Human Services which recommended that every baby born in the United States be screened for disorders, including certain metabolic conditions and hearing deficiencies.

(5) Currently only 11 States and the District of Columbia require infants to be screened for all 29 of these recommended disorders.

(6) Continuity, especially during a public health emergency, plays a critical role in the screening, diagnosis, referral, and treatment of these disorders. Currently there is no national contingency plan for maintaining continuity of newborn screening systems following a public health emergency.

SEC. 3. AMENDMENT TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT.

Part Q of title III of the Public Health Service Act (42 U.S.C. 260 et seq.) is amended by adding at the end the following:

(4) newborn screening shall award grants to eligible entities to enable such entities to develop and deliver educational programs about newborn screening to parents, families, and patient advocacy and support groups; and (5) educational programs about newborn screening that may not be required by the State, but that may be available from other sources; and

(6) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

(2) GRANTS TO ASSIST FAMILIES.—An eligible entity that receives a grant under subsection (a)(2) may use the grant funds to—

(3) grants for health care professionals and newborn screening results, including the possibility of false positive findings; and

(4) the right of refusal of newborn screening, if applicable; and

(5) the potential need for followup care after newborns are screened;

(6) information and resources on coordinated systems of followup care after newborns are screened;

(7) educational programs about the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

(8) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

(9) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

(3) GRANTS TO ASSIST FAMILIES.—An eligible entity that receives a grant under subsection (a)(2) may use the grant funds to—

(4) develop educational programs about newborn screening for health care professionals and newborn screening results, including the possibility of false positive findings; and

(5) the right of refusal of newborn screening, if applicable; and

(6) the potential need for followup care after newborns are screened;

(7) information and resources on coordinated systems of followup care after newborns are screened;

(8) educational programs about the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

(9) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

(10) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

(3) grants for health care professionals and newborn screening results, including the possibility of false positive findings; and

(4) the right of refusal of newborn screening, if applicable; and

(5) the potential need for followup care after newborns are screened;

(6) information and resources on coordinated systems of followup care after newborns are screened;

(7) educational programs about the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

(8) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

(9) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

(4) grants for health care professionals and newborn screening results, including the possibility of false positive findings; and

(5) the right of refusal of newborn screening, if applicable; and

(6) the potential need for followup care after newborns are screened;

(7) information and resources on coordinated systems of followup care after newborns are screened;

(8) educational programs about the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

(9) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

(10) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

(4) grants for health care professionals and newborn screening results, including the possibility of false positive findings; and

(5) the right of refusal of newborn screening, if applicable; and

(6) the potential need for followup care after newborns are screened;

(7) information and resources on coordinated systems of followup care after newborns are screened;

(8) educational programs about the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

(9) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

(10) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

(4) grants for health care professionals and newborn screening results, including the possibility of false positive findings; and

(5) the right of refusal of newborn screening, if applicable; and

(6) the potential need for followup care after newborns are screened;

(7) information and resources on coordinated systems of followup care after newborns are screened;

(8) educational programs about the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

(9) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

(10) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.
the first grant funds are awarded under this section—

(i) in promoting newborn screening—

(A) describing and evaluating the effectiveness of the activities carried out with grant funds received under this section; and

(B) education and resources for families; and

(ii) on the successful diagnosis and treatment of congenital, genetic, and metabolic disorders; and

(iii) on the continued development of coordinated systems of followup care after newborns are screened;

(B) describing and evaluating the effectiveness of the activities carried out with grant funds received under this section; and

(C) including recommendations for Federal actions to support—

(i) education and training in newborn screening; and

(ii) followup care after newborns are screened.

(2) TIMING OF REPORTS.—The Secretary shall—

(A) an interim report that includes the information described in paragraph (1), not later than 30 months after the date on which the first grant funds are awarded under this section; and

(B) a subsequent report that includes the information described in paragraph (1), not later than 60 months after the date on which the first grant funds are awarded under this section.

(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

(a) a State or a political subdivision of a State;

(b) a consortium of 2 or more States or political subdivisions of States;

(c) a territory;

(d) an Indian tribe or a hospital or outpatient facility of the Indian Health Service; or

(e) a nongovernmental organization with appropriate expertise in newborn screening, as determined by the Secretary.

(h) NATIONAL CONTINGENCY PLAN FOR NEWBORN SCREENING.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Associate Administrator, shall develop a national contingency plan for newborn screening for use in the event of a public health emergency.

(2) REQUIREMENTS.—The contingency plan developed under paragraph (1) shall include a plan for—

(A) the collection and transport of specimens;

(B) the shipment of specimens to State newborn screening laboratories;

(C) the processing of specimens;

(D) the reporting of screening results to physicians and families;

(E) the diagnostic confirmation of positive screening results;

(F) ensuring the availability of treatment and management resources;

(G) educating families about newborn screening; and

(H) carrying out other activities determined appropriate by the Secretary.

(3) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee pursuant to the subsection, including the justification for the determination.

(e) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2007 by not later than 180 days after the date of enactment of such Act.

(f) DISTRIBUTION OF RESULTS TO BE MADE PUBLIC.—

The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to the subsection, including the justification for the determination.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

(h) DETERMINATIONS TO BE MADE PUBLIC.—

The Secretary shall—

(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.

(i) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

(j) DETERMINATIONS TO BE MADE PUBLIC.—

The Secretary shall—

(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.

(k) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

(l) DETERMINATIONS TO BE MADE PUBLIC.—

The Secretary shall—

(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.

(m) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

(n) DETERMINATIONS TO BE MADE PUBLIC.—

The Secretary shall—

(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.
“(1) to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children established under section 205(c) of title 42, including data on the causes of such disorders and on the incidence and prevalence of such disorders;
(2) to operate regional centers for the conduct of epidemiological research on the prevention of such disorders;
(3) to provide information and education to the public on the prevention of such disorders;
(4) to conduct research on and to promote the prevention of such disorders, and secondary health conditions among individuals with such disorders.

(b) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

“(A) IN GENERAL.—Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes of such award. Such aid is made available for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

“(B) REDUCTION.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred by the recipient in carrying out such request, expend the amounts withheld.

(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

(c) ANNUAL REPORT.—Not later than February 1 of each fiscal year 2008 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that, with respect to the preceding 2 fiscal years—

(1) contains information regarding the incidence and prevalence of heritable disorders and developmental disabilities, and such status of individuals with such disorders and the extent to which such disorders have contributed to the incidence and prevalence of infant mortality and affected quality of life;

(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

(3) contains an assessment of the extent to which various approaches of preventing heritable disorders and their secondary health conditions among individuals with such disorders have been effective;

(4) describes the activities carried out under this section;

(5) contains information on the incidence and prevalence of individuals living with heritable disorders, information on the health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

(6) contains a summary of recommendations from research conferences sponsored by the Centers for Disease Control and Prevention; and

(7) contains any recommendations of the Secretary to coordinate Federal activities to prevent such disorders.

(d) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of title 5, United States Code, All Federal laws relating to the privacy of information shall apply to and information that is collected under this section.

(e) COORDINATION.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall coordinate, to the extent practicable, programs under this section with programs on birth defects and developmental disabilities authorized under section 317C.

(2) PRIORITY IN GRANTS AND CONTRACTS.—In making grants and contracts under this section, the Secretary shall give priority to entities that demonstrate the ability to coordinate activities under a grant or contract made under this section with existing birth defects surveillance activities.

(f) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out this section there are authorized to be appropriated $15,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2011.

(g) UNIFORM REPORTING.—

The Secretary shall ensure that guidelines for uniform reporting are developed by the office of the Secretary of Health and Human Services, the National Center for Birth Defects and Developmental Disabilities, and the National Institutes of Health with respect to a uniform reporting system for birth defects and developmental disabilities.

(h) USE OF DATA.—

The Secretary shall ensure that health information collected under this section is used to develop data on the heritable disorders recommended in the Newborn Screening Saves Lives Act of 2007 and as otherwise directed by law.

(i) COORDINATION.—

The Secretary shall coordinate with programs under the National Newborn Screening and Genetics Resource Center, to promote the use of such data as part of a national newborn screening program.

(j) USE OF DATA.—

The Secretary shall ensure that the data collected and maintained under this section are used to improve newborn screening programs, to identify gaps and to improve newborn screening programs.

(k) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on newborn screening programs.

(2) SUBJECTS.—The report required under paragraph (1) shall include—

(A) a description of the newborn screening programs that are in effect in each State and territory;

(B) a summary of the number and types of conditions that are screened for at the State level;

(C) a summary of the number and types of conditions that are screened for at the national level;

(D) a summary of the number and types of conditions that are screened for by the Secretary;

(E) a summary of the number and types of conditions that are screened for in the private sector;

(F) a summary of the number and types of conditions that are screened for in the International Newborn Screening Program;

(G) a description of the number and types of conditions that are screened for in the public and private sectors;

(H) a description of the number and types of conditions that are screened for in the International Newborn Screening Program;

(I) a description of the number and types of conditions that are screened for in the United States.

(l) Coordination.—

The Secretary shall ensure that the newborn screening programs are coordinated with programs on birth defects and developmental disabilities authorized under section 317C.

Mr. HATCH. I am pleased to introduce today, along with my colleague Senator CHRISTOPHER DODD, the Newborn Screening Saves Lives Act of 2007.

Every State and U.S. territory routinely screens newborns for heritable and certain metabolic, hormonal and functional disorders. Most of these birth defects have no immediate visible effects on a baby but, unless detected and treated early, can cause physical problems, mental retardation and, in some cases, death.

Babies who have these diseases and babies who do not have these diseases look the same at birth. Fortunately, most babies are given a clean bill of health when they test negative for the conditions for which they test. According to the National Newborn Screening and Genetics Resource Center, some States test for as few as four disorders, while others test for 30 or more.

Disparities among States in screening rates exist. Newborn screening programs have been shown to be cost-effective and to have a large impact on the health and development of infants. States with comprehensive newborn screening programs have been able to identify and treat birth defects that might otherwise go untreated.

For example, in 2004, the American College of Medical Genetics completed a report commissioned by the Department of Health and Human Services which recommended that every baby born in the United States be screened for 29 disorders, including certain metabolic conditions and hearing deficiency. Currently, only 11 States and the District of Columbia require the recommended screening for all 29 disorders.

Last year there was much success in improving newborn screening in my home State of Utah, which increased testing from 4 to 36 disorders. The expansion of newborn screening is a major advance in the continuum of care and pediatricians' and other health providers' role in the continuum of care. Utah infants are reaping the benefits of the vision of health providers and the policy decision to include screening for 36 disorders.

Enactment of the Newborn Screening Saves Lives Act would provide necessary resource materials to educate parents and health providers about newborn screening and help states expand and improve their newborn screening programs. Other important provisions of this legislation help ensure the quality of laboratories involved in newborn screening and call for establishing a system for collecting and analyzing data from newborn screening programs.

The bill will establish grant programs to provide for education and outreach on newborn screening and coordinated follow-up care once newborn screening has been conducted. It will help States expand and improve their newborn screening programs, educate parents and providers and improve follow-up care for infants. The bill will also contain provisions for a national plan for newborn screening in the case of a national public health emergency, such as that which was witnessed in the wake of Hurricanes Katrina and Rita.

The Newborn Screening Saves Lives Act of 2007 is endorsed by the March of Dimes, the American Academy of Pediatrics, Easter Seals, and the American Public Health Labs. These groups recognize that expanded newborn screening will help pediatricians and other health providers identify rare disorders than can be easily confused with common pediatric problems. Diagnosing and treating these conditions will help prevent irreversible brain damage, permanent disabilities and, in some cases, death. I urge my colleagues to take a stand for newborn health and support this bill.

By Mr. SCHUMER: S. 636. A bill to amend the Internal Revenue Code of 1986 to extend the reporting period for certain statements...
sent to taxpayers; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I rise today to introduce the “Reduce Wasteful Tax Forms Act of 2007.” This bill extends the deadline from January 31 to February 15 for certain types of 1099 forms to be sent to taxpayers. 1099 forms are used to report non-wage income, such as income from dividends and capital gains. These forms are distributed by brokerage firms and financial institutions to their investors, who must report the information on their income tax returns.

Due to recent changes in tax laws that govern income from interest and dividends, there has been a significant increase in the number of inaccurate forms sent out by firms in order to meet the January 31 deadline. The problem is that much of the tax data for certain types of investment income cannot be calculated until after the first of the year, resulting in a compressed calendar and non-compliance with the new laws and mailing the forms. Once accurate data becomes available, financial institutions must send taxpayers an amended form with the correct information.

The forms create confusion for taxpayers, and in some cases, those who receive an amended 1099 may have to re-file their taxes. If taxpayers underpaid in their initial return, they could face interest charges and penalties if they do not file again before the April 15 deadline. The January 31 deadline results in tons of wasted paper, confusion for taxpayers, and wasted expenses incurred in sending the amended forms.

This problem affects an increasing number of taxpayers. According to recent press reports in the Wall Street Journal and USA Today, prior to 2003, an average of 5 to 8 percent of 1099 forms required correcting. That number has since jumped to an average of 13 percent, translating into millions of amended 1099s being sent to taxpayers each year.

My legislation would extend the deadline for sending 1099 forms to taxpayers to February 15, by which time the vast majority of required data will be available to ensure the accuracy of the forms. The bill extends the deadline only for certain types of 1099 forms used to report investment income. It would not extend the deadline for 1099 forms sent to independent contractors or for statements that only report interest earned on bank deposits. Accordingly, this extension will not delay filing for the vast majority of taxpayers.

This year, the IRS granted several exceptions for some investment-related forms used to extend the January 31 deadline. However, this bill would provide a permanent extension for all firms and financial institutions to remove the uncertainty for taxpayers that arises due to this unnecessarily lengthy deadline. My bill will help taxpayers by reducing confusion, the financial industry by cutting costs and waste, and the environment by eliminating millions of unnecessary mailings.

I hope that my colleagues will join me in supporting this legislation, and I look forward to working with other Finance Committee members to have it considered during the 110th Congress. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 636

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reduce Wasteful Tax Forms Act of 2007.”

SEC. 2. EXTENSION OF REPORTING PERIOD FOR CERTAIN STATEMENTS SENT TO TAXPAYERS.

(a) In General.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking “January 31” and inserting “February 15”:

(1) Subsection (c) of section 6042 (returns regarding payments of dividends and corporate earnings and profits).

(2) Subsection (d) of section 6050A (returns relating to taxable mergers and acquisitions).

(3) Subsection (e) of section 6044 (returns regarding payments of patronage dividends).

(4) Subsection (b) of section 6055 (returns of brokers).

(5) Subsection (b) of section 6055N (returns regarding payments of royalties).

(b) STATEMENTS REGARDING CERTAIN RETURNS RELATING TO SECURITIES.—Section 6041(d) of the Internal Revenue Code of 1986 is amended by striking “January 31” and inserting “February 15” in the case of statements regarding returns relating to payments made by financial institutions to custodians in connection with securities (including securities lending).

(c) STATEMENTS RELATING TO CERTAIN SUBSTITUTE PAYMENTS.—Section 6045(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “at such time and”, and

(2) by inserting after “other item,” the following new sentence: The written statement shall be furnished on or before February 15 of the year following the calendar year during which such payment was made.

(d) STATEMENTS REGARDING CERTAIN REPORTS BY EMPLOYERS AND PLAN ADMINISTRATORS.—Section 6047(d)(2) of the Internal Revenue Code of 1986 is amended by striking “January 31” and inserting “February 15” in the case of any statement regarding a return relating to payments of interest made by any obligor described in subparagraph (B) or (C) of subsection (b)(1) unless such statement is combined in a statement the due date for which is February 15.

(e) CERTAIN STATEMENTS RELATING TO IN-TRUST PAYMENTS.—Section 6048(c)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “January 31” and inserting “February 15” (in the case of any statement regarding a return relating to payments of interest made by any obligor described in subparagraph (B) or (C) of subsection (b)(1) unless such statement is combined in a statement the due date for which is February 15).”

(1) EFFECTIVE DATE.—The amendments made by this section apply to returns, reports, and other statements the due date for which (determined without regard to extensions) is after December 31, 2007.

By Mr. DURBIN (for himself, Mr. KERRY, and Mr. MENENDEZ):
Law; Center for Health, Environment and Justice; Natural Resources Defense Council; Advocates for Environmental Human Rights and Labor Council for Latino American Advancement.

The bill we are introducing today is an important step toward shifting the balance of environmental burdens, so the burden is not shouldered unfairly by low-income and minority communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 642

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Justice Act of 2007.”

SEC. 2. CODIFICATION OF EXECUTIVE ORDER 12898.

(a) IN GENERAL.—The President of the United States is authorized and directed to execute, administer and enforce as a matter of Federal law the provisions of Executive Order 12898, dated February 11, 1994, (“Federal Action to Address Environmental Inequities In Minority Populations and Low-Income Populations”) with such modifications are provided in this section.

(b) DEFINITION OF ENVIRONMENTAL JUSTICE.—For purposes of carrying out the provisions of Executive Order 12898, the following definitions shall apply:

(1) The recommendation that the Administrator ensure that workgroups involved in developing rules under laws administered by the Environmental Protection Agency shall, as promptly as practicable, carry out each of the following recommendations of the Comptroller General of the United States as set forth in GAO Report numbered GAO-05-289 entitled “EPA Should Devote More Attention to Environmental Justice When Developing Clean Air Rules”:

1. The recommendation that the Administrator ensure that workgroups involved in developing rules under laws administered by the Environmental Protection Agency shall, as promptly as practicable, carry out each of the following recommendations of the Comptroller General of the United States as set forth in GAO Report numbered GAO-05-289 entitled “EPA Needs to Consistently Implement the Recommendations of the Inspector General of the agency)."

2. The recommendation that the Administrator improve assessments of potential environmental justice impacts in economic reviews by identifying the data and developing the modeling techniques needed to assess such impacts.

3. The recommendation that the Administrator direct appropriate agency officials and employees to respond fully when feasible to public comments on environmental justice, including improving the agency’s explanation of the basis for its conclusions, together with supporting evidence.

4. The recommendation that the Administrator improve assessments of potential environmental justice impacts in economic reviews by identifying the data and developing the modeling techniques needed to assess such impacts.

5. The recommendation that the Administrator direct appropriate agency officials and employees to respond fully when feasible to public comments on environmental justice, including improving the agency’s explanation of the basis for its conclusions, together with supporting evidence.

(b) GAO RECOMMENDATIONS.—In developing rules under laws administered by the Environmental Protection Agency, the Administrator of the Agency shall, as promptly as practicable, carry out each of the following recommendations of the Comptroller General of the United States as set forth in GAO Report numbered GAO-05-289 entitled “EPA Should Devote More Attention to Environmental Justice When Developing Clean Air Rules”:

1. The recommendation that the Administrator ensure that workgroups involved in developing rules under laws administered by the Environmental Protection Agency shall, as promptly as practicable, carry out each of the following recommendations of the Comptroller General of the United States as set forth in GAO Report numbered GAO-05-289 entitled “EPA Needs to Consistently Implement the Recommendations of the Inspector General of the agency)."

2. The recommendation that the Administrator improve assessments of potential environmental justice impacts in economic reviews by identifying the data and developing the modeling techniques needed to assess such impacts.

3. The recommendation that the Administrator direct appropriate agency officials and employees to respond fully when feasible to public comments on environmental justice, including improving the agency’s explanation of the basis for its conclusions, together with supporting evidence.

SEC. 3. IMPLEMENTATION OF RECOMMENDATIONS BY ENVIRONMENTAL PROTECTION AGENCY.

(a) INSPECTOR GENERAL RECOMMENDATIONS.—The Administrator of the Environmental Protection Agency shall, as promptly as practicable, carry out each of the following recommendations of the Inspector General of the agency as set forth in report # 2004-P-00007 entitled “EPA Needs to Consistently Implement the Recommendations of the Inspector General of the agency)."

1. The recommendation that the agency clearly define the mission of the Office of Environmental Justice (OEJ) and provide agency staff with an understanding of the roles and responsibilities of the office.

2. The recommendation that the agency establish a plan to complete the following recommendations referred to in subsections (a), (b), and (c). Thereafter, the Administrator shall provide semi-annual reports to Congress regarding his progress in implementing each such recommendation as well as his progress on modifying the Administrator’s emergency management procedures to incorporate environmental justice in the agency’s Incident Command Structure (in accordance with the December 18, 2006, letter from the Deputy Administrator to the Acting Inspector General of the agency).

By Mr. AKAKA:

S. 643. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans’ Affairs.

Mr. AKAKA. Mr. President, today I introduce the Disabled Veterans Insurance Improvement Act of 2007. The legislation would provide a significant increase in the amount of life insurance available to totally disabled veterans from $20,000 to $40,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. These are the veterans for whom we are providing this legislation by providing them with a reasonable amount of life insurance coverage.

VA’s Service-Disabled Veterans’ Insurance, commonly known as S-DVI, was established during the Korean War to provide life insurance for veterans with service-connected disabilities. This $10,000 benefit has never been increased.

In comparison, the Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance benefits, which were $10,000 and $20,000 respectively at their inception, have been increased over time to $400,000. The most recent increases to these programs have been in response to public sentiment and the determination by Congress that the amount provided to the beneficiaries of servicemembers who die while fighting in Operations Enduring Freedom and Iraqi Freedom is insufficient.

In 1992, Congress increased the amount of life insurance available to S-DVI policyholders by offering $20,000 worth of supplemental coverage to those who are considered totally disabled. Forty percent of the veterans eligible for coverage under the S-DVI program are considered totally disabled and are eligible for a premium waiver for their basic coverage. In fiscal year 2006, thirty-two percent of veterans granted new policy waivers also opted to pay for this supplemental coverage. Even with $30,000 in coverage, the amount of life insurance available to disabled veterans falls well short of the death benefits available to servicemembers and veterans enrolled in the Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance programs.

The 2001 Congressionally mandated study entitled Program Evaluation of Benefits for Survivors of Veterans with
Service-Connected Disabilities found the lowest area of veteran satisfaction to be the maximum amount of coverage that veterans were authorized to purchase. My bill would allow totally disabled veterans to purchase an additional $20,000 in insurance coverage.

I ask my colleagues to support the Disabled Veterans Insurance Improvement Act of 2007. This is a modest and affordable way of increasing the life insurance coverage for those veterans with the greatest need. I realize that there are implications associated with this legislation and I am actively looking for ways to pay for this bill.

I request unanimous consent that the text of the bill be printed in the Record.

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

SEC. 2. ESTABLISHMENT OF A NURSE DISTANCE EDUCATION PILOT PROGRAM.

(a) In General.—The Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall establish a Nurse Distance Education Pilot Program through which grants may be awarded for the conduct of activities to increase accessibility to nursing education.

(b) Purpose.—The purpose of the Nurse Distance Education Pilot Program established under subsection (a) shall be to increase accessibility to nursing education to—

(1) provide assistance to individuals in rural areas who want to study nursing to enable such individuals to receive appropriate nursing education;
(2) promote the study of nursing at all educational levels;
(3) establish additional slots for nursing students at existing nursing education programs; and
(4) establish new nursing education programs at institutions of higher education.

(c) Application.—To be eligible to receive a grant under the Pilot Program under subsection (a), an entity shall submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) AUTHORIZATION OF APPROPRIATIONS. There is authorized to be appropriated, such sums as may be necessary to carry out this section.

SEC. 3. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) Not later than January 1, 2008, the Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall—

(1) submit to Congress a report concerning the source of newly licensed nurses and physical therapists in each State, that shall include—

(A) for the most recent 3-year period for which data is available,

(i) separate data relating to teachers at institutions of higher education for each related occupation regardless of length of service;
(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.
(ii) During the period described in clause (I), the spouse or dependent of an alien described in clause (i), if accompanying or following to join such alien.

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS. Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)(A)(i)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)''.

(c) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS. Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)), is amended by inserting ', except for aliens described in section 201(b),'' after ''any fiscal year,''.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS. Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

(1) The Secretary of Homeland Security shall provide a process for reviewing and making a determination upon a petition filed for an alien described in section 201(b)(1)(F) not later than 30 days after the date a completed petition has been filed for such alien.

By Mr. SMITH:

S. 646: A bill to increase the nursing workforce; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

SEC. 2. SUPPLEMENTAL INSURANCE FOR TO- TALLY DISABLED VETERANS.

Section 1922(a)(4) of title 38, United States Code, is amended by striking ''$20,000'' and inserting '$40,000''.

By Mr. COLEMAN:

S. 646: A bill to increase the nursing workforce; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Disabled Veterans Insurance Act of 2007”.

SEC. 2. ESTABLISHMENT OF A NURSE DISTANCE EDUCATION PILOT PROGRAM.

(a) In General.—The Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall establish a Nurse Distance Education Pilot Program through which grants may be awarded for the conduct of activities to increase accessibility to nursing education.

(b) Purpose.—The purpose of the Nurse Distance Education Pilot Program established under subsection (a) shall be to increase accessibility to nursing education to—

(1) provide assistance to individuals in rural areas who want to study nursing to enable such individuals to receive appropriate nursing education;
(2) promote the study of nursing at all educational levels;
(3) establish additional slots for nursing students at existing nursing education programs; and
(4) establish new nursing education programs at institutions of higher education.

(c) Application.—To be eligible to receive a grant under the Pilot Program under subsection (a), an entity shall submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) AUTHORIZATION OF APPROPRIATIONS. There is authorized to be appropriated, such sums as may be necessary to carry out this section.

SEC. 3. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) Not later than January 1, 2008, the Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall—

(1) submit to Congress a report concerning the source of newly licensed nurses and physical therapists in each State, that shall include—

(A) for the most recent 3-year period for which data is available,

(i) separate data relating to teachers at institutions of higher education for each related occupation regardless of length of service;
(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.
(ii) During the period described in clause (I), the spouse or dependent of an alien described in clause (i), if accompanying or following to join such alien.

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS. Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)(A)(i)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)''.

(c) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS. Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)), is amended by inserting ', except for aliens described in section 201(b),'' after ''any fiscal year,''.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS. Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

(1) The Secretary of Homeland Security shall provide a process for reviewing and making a determination upon a petition filed for an alien described in section 201(b)(1)(F) not later than 30 days after the date a completed petition has been filed for such alien.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 647. A bill to designate certain land in the State of Oregon as wilderness for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, it has been more than 200 years since Lewis and Clark first laid eyes on Mount Hood. Today, I propose, with Senator Smith, that the spectacular mountain, seen first by our pioneers, should be preserved for all time.

The Lewis and Clark Mount Hood Wilderness Act of 2007, which we introduce today, is similar to the bill Senator Duckworth and I introduced in the last Congress. It does include several improvements that came about from comments and constructive suggestions
The legislation also includes input from the Energy and Natural Resources Committee. We appreciate their input and believe their views can help speed the bill's passage.

In tribute to the great river-dependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the views of Oregonians, but, frankly, I hear it from folks in the Midwest, where the President lives, and from people from every nook and cranny in this country who have all come to treasure our spectacular mountain.

I introduced several years ago because it has increased significantly—25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is nonmechanized activities such as hiking and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free-flowing rivers, wilderness, and the need for opportunities for diverse outdoor recreation, sometimes it seems we are not only adding on wild places to death. We all see Americans coming together to make sure the most special places are protected for future generations.

A few years ago, the Forest Service made a proposal to limit the number of people who could hike on the south side of Mount Hood, suffice to say, the public outcry in opposition was enormous. It seems to me, rather than tell people they are going to be restricted from our public lands, part of the solution for Mount Hood lies in providing more opportunities for them to enjoy the mountain's great places. We ought to ensure that the Mount Hood National Forest can meet the increased demand for outdoor experiences, and the legislation I offer today with Senator SMITH provides these opportunities. Hundreds of people spoke at the public meetings I held throughout the State. I have received 2,500 written comments urging additional wilderness on Mount Hood. There are a few key areas the citizens continually come back and refer to:

First, by astonishing numbers, they want to see additional wilderness on Mount Hood. A large number of Oregonians didn't think enough wilderness had been included, for example, in the legislation that was considered by the other body.

Second, a second area is mountain biking. Some mountain bikers expressed concern that their recreation opportunities not be unfairly curtailed. Senator SMITH and I had many discussions with them to ensure that would not be the case.

Third, fire protection and forest health was something referred to by many Oregonians. Citizens were concerned about the health of the forest. Those living in towns on the mountain, and the gorge were concerned about fire protection in their communities, and we sought to address those issues as well.

An additional concern was developed recreation, with some citizens worried about maintaining a role for developed recreation, such as skiing, on Mount Hood.

In each of these areas, Senator SMITH and I tried to follow up and be responsive to what citizens at home were saying.

With respect to additional wilderness, there are currently 189,200 acres of designated wilderness in the Mount Hood National Forest. This bill increases wilderness on Mount Hood by designating approximately 128,000 acres of new wilderness.

The bill adds the areas surrounding the oldest Mount Hood wilderness—the mountain itself—which was designated in the original Wilderness Act of 1964. These additions include cathedral old growth forests, special trails, lava beds that were created during the Mount Hood eruptions, the legendarily romantic view between the Cascades and Deschutes valleys, and the spectacular Mirror Lake.

To the north and west of the mountain, we add the viewshed of the Columbia River Gorge, from I-84 and include perhaps the greatest concentration of waterfalls in all of North America.

To the southwest of the mountain, we add lands to the current Salmon Huckleberry Wilderness to conserve their diverse wildlife and protect unique recreational areas such as those around the extremely popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the city of Sandy, and that city unanimously endorsed the draft proposal.

Over to the east are proposed additions to the Badger Creek Wilderness area. These areas provide a critical link between westside forests and eastside ecosystems. This area is known for its spectacular colors in the fall and the best deer and elk hunting in our entire Mount Hood National Forest.

Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge built originally by the Works Progress Administration in 1937. Our new 2007 bill adds 2,730 acres of Marion County lands in the Bull of the Woods Wilderness Addition, while removing lands where users identified potential conflicts.

Second, in the area of wild and scenic rivers, we protect over 79 miles of wild and scenic rivers on the free-flowing rivers. This protects some of the most pristine rivers in our State. Among those proposed rivers are the picturesque waterfalls and glacial outwash of the East Fork of the Hood River, and the ancestral hunting grounds of the Coos Waterfalls of Fish Creek. Over 17 miles of extraordinary salmon and steelhead habitat on the Cowlowash have also been added for protection under our legislation.

Mountain biking is an area where there has been a lot of debate. We believed the local riders raised valid concerns, and we took two steps. First, we proposed the Mount Hood National Recreation Area. This area was so popular in our last bill that Senator SMITH and I decided to greatly expand it to include lands over 16,000 more acres. It is to offer permanent environmental protection to those beautiful areas, while
providing mountain bikers, recreational users, and others an opportunity to enjoy recreation on the mountain.

Additionally, I made boundary adjustments to ensure that all open mountain bike riding trails were included in this proposed legislation.

With respect to fire protection and forest health, we tried to make clear that where there are healthy, older trees, they should not be harvested on Mount Hood or in the gorge. Our healthy stands are most resistant to fire and disease. However, there is an enormous backlog of overcrowded plantations, second growth that really ought to be thinned. The legislation includes provisions that would give the Forest Service a mandate to prepare an assessment for promoting forests resilient to fire, insects, and disease. This also includes provisions to study and encourage the development of biomass in conjunction with forest health work.

We happen to think that biomass is one of the most exciting new fields for Oregonians to get into. The opportunity to generate clean energy, help small rural communities, create family wage jobs, is something that we should not miss. This legislation tries to tap the potential for progress in the biomass field as well.

Finally, we add fire-safe community zones so that the Secretary of Agriculture will construct a system of fire-safe building zones around the communities of Cascade Locks and Government Camp.

With respect to developed recreation, we wanted to facilitate recreational opportunities in this area and thus adopted a provision that came from the other body known as ‘fee retention’ that would establish a special account for the Mount Hood National Forest.

In addition, in order to help address growth while ensuring access to recreational uses, we have adopted provisions originally coming, again, from language from the other body directing the Secretary of Agriculture and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

I commend particularly my colleague in the other body, Congressman B LUMENAUER, one of the real pioneers in thinking about transportation.

Finally, with respect to key relationships with our tribes and our local governmental bodies, we have incorporated provisions on local and tribal relationships, emphasizing the rich history of the Mount Hood area and affirming the rights of Native peoples to access the mountains as they have for generations.

The protections of these important Oregon places is going to depend on the hard work and dedication of all Oregonians. I am very pleased—I am summing up, and the Senate has been patient in giving me this extra time—to say that this has been a bipartisan effort by the Oregon congressional delegation. Senator SMITH joins me in introducing this legislation. We believe this brings together our county commissioners, entrepreneurs, environmentalists, Chamber of Commerce, State-elected officials, the Governor. All of those who feel so strongly about protecting Mount Hood rolled up their sleeves and worked together with myself and Senator SMITH to try to find common ground to make sure that Mount Hood would be protected for all time.

We are looking forward to perfecting the legislation together in the coming weeks and looking forward to seeing a swift adoption by Congress.

The grandeur of Mount Hood and our special treasures is pretty much in the chromosomes of Oregonians. Protecting our treasures is something about which we feel so strongly. Today is a special day for us because, once again, the citizens of our State have come together and have worked with myself and Senator SMITH to take action to protect Mount Hood.

Mr. President, Oregon’s Mount Hood is a cherished State treasure. This wild place is often photographed, visited and enjoyed by scores of Oregonians and non-Oregonians. Today, I am introducing this legislation to make provisions that would reestablish the lower elevation forests surrounding Mount Hood. Together, Senator SMITH, a bi-partisan Oregon Wilderness bill: the ‘‘Lewis and Clark Mount Hood Wilderness Act of 2007.’’

This bill is similar to the one Senator SMITH and I introduced in the last Congress, but it includes several improvements that resulted from comments received from stakeholders. The bill also includes input from the Energy and Natural Resources Committee, which we hope will help speed the bill’s passage. In tribute to the great river-dependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the Oregonian wish to protect but also actively experience our State’s treasures.

This bill contains many elements of the Mount Hood bill I introduced in 2004, while also incorporating many new provisions to protect and improve the Mount Hood region. This bill protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests embody the natural beauty of Oregon. They provide the critically needed habitat for the survival of threatened steelhead, Coho and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, lynx and the majestic bald eagle. And these are the forests that provide unparalleled recreational opportunities for Oregonians and our visitors.

But the bill I introduce today differs from the bill I introduced 2 years ago because it responds to the many comments I heard in the ensuing years. I received thousands of comments on the proposed Mount Hood legislation. Some comments came as a result of the general public meetings held in Oregon. Many of the meetings lasted over 3 hours and everyone who wanted to speak was given an opportunity to do so. Other comments came from the second Mount Hood Summit held at Timberline Lodge by Representatives WALDEN and BLMENAUER. I had the opportunity to meet with community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. And still more comments came from letters and phone calls from Oregonians.

Overwhelmingly, these comments urged me to protect and build on Oregon’s Wilderness system. This goal is as important today as it was in 1804, when Lewis and Clark first viewed Mount Hood, 1864, when the Wilderness Act was passed, or 1984, when wilderness protections were last designated on Mount Hood—if not more so. To succeed, we must provide the tools that help us create a planned future on Mount Hood. This bill does both.

The Mount Hood National Forest is the seventh most visited forest in the United States. In the 22 years that have elapsed since any new wilderness has been designated in the Mount Hood area, the population in local counties has increased significantly—25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is non-mechanized activity like hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, wilderness and the need for opportunities for diverse outdoor recreation, sometimes it seems we are in jeopardy of ‘‘loving our wild places to death.’’

A few years ago, the Forest Service made a proposal to limit the number of people that could hike the south side of Mount Hood and the public outcry was enormous. Seems to me, rather than tell people that they are going to be restricted from using our public lands, perhaps the solution for the future of the Mountain lies in providing more opportunities for them to enjoy the Mountain’s great places. We should ensure the Mount Hood National Forest can meet the increased use and demand for outdoor experiences—my bill will provide those opportunities.

Of the hundreds of people who attended the meetings held throughout the State of Oregon, the vast majority spoke in favor of more wilderness. Additionally, I have received more than 2,500 written comments supporting additional wilderness for Mount Hood.

This is what I have heard: First and foremost, I heard that Oregonians in astonishing numbers support protecting Mount Hood and the Columbia River Gorge. With addition, there would be large numbers of Oregonians didn’t think that enough wilderness areas had been included in the House proposal.
Some mountain bikers expressed concerns that their recreation opportunities not be unfairly curtailed.

Some people were worried about forest health, and those living in towns on the mountain and in the gorge were concerned about fire protection for their communities.

Some people were worried about maintaining a role for developed recreation, like skiing, on Mt. Hood.

This bill does not address those concerns: There are currently 189,200 acres of designated wilderness in the Mount Hood National Forest. This bill increases wilderness on Mount Hood by creating approximately 128,600 new acres of wilderness.

This bill adds the areas surrounding the oldest Mt. Hood Wilderness—the mountain itself—which was designated in the original Wilderness Act of 1964. These areas encompass the spectacular ridges framing the Gorge that we all marvel at from I-84 and include perhaps the greatest concentration of waterfalls in North America. To the southwest of the mountain I add lands to the current Salmon Huckleberry Wilderness to preserve their diverse wildlife and protect unique recreational areas like those around popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the City of Sandy, which unanimously endorsed the draft proposal. Over to the east are proposed additions to the Badger Creek Wilderness. These areas provide a critical link between Westside forests and Eastside ecosystems. This area is known for beauty and the best deer and elk hunting in the entire Mount Hood National Forest. Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial Area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge—built originally by the Works Progress Administration in 1937—to its former grandeur.

Our new 2007 bill adds 2730 acres of Kalmiopsis Wilderness by creating a 34,640 acres—almost three times the size of the Kalmiopsis area. I also added the Lincoln-Palmer Mirror Lake. These lands include 34,640 acres—an increase of over 16,700 acres. It will offer greater, permanent environmental protections to those beautiful areas, while providing mountain bikers and other recreational users an opportunity to continue to recreate in those areas. Additionally, I made boundary adjustments to ensure all open mountain biking trails were not included in my proposed wilderness.

I protect wilderness, where there are healthy, older trees that should never be harvested on Mount Hood or in the Gorge. Older, healthy stands are the most resistant to fire and disease. However, there is an enormous backlog of coming from the language passed in the House last Congress, directing the Secretary and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

In order to facilitate developed recreation opportunities, I have adopted the House provisions establishing a ‘fee-rental’ provision that will establish an account for the Mount Hood National Forest. In addition, in order to help address growth while ensuring access to recreational opportunities, I have adopted provisions, originally included in the budget, that limit commercial motorized recreation on local and tribal relationships emphasizing the rich history of the Mount Hood region and affirming the rights of Native peoples to access the mountain’s resources, as they have for generations.

The protection of these important Oregon places will depend on the hard work and dedication of all Oregonians and particularly that of my Oregon colleagues here in the Congress. I am especially pleased that Senator Smith has joined me in developing this bipartisan legislation and putting forth our proposal for wilderness. I am hopeful everyone will pull together: county Commissioners, environmentalists, entrepreneurs, members of commerce, State elected officials, the Governor, and the Oregon delegation here in the Capitol. I look forward to perfecting legislation together in the coming weeks, and seeing its swift adoption by my colleagues. Then the grandeur of Mount Hood and other Oregon treasures can be assured for future generations.

I ask unanimous consent that the text of the bill be printed in the Record.

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

S. 67
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Lewis and Clark Mount Hood Wilderness Act of 2007.”

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Designation of Lewis and Clark Mount Hood wilderness areas.
Sec. 102. Richard L. Kohnstamm Memorial Area.
Sec. 103. Map and legal descriptions.
Sec. 104. Administration.
Sec. 105. Buffer zones.
Sec. 106. Fire safe community zones.
Sec. 107. Fish and wildlife; hunting and fishing.
Sec. 108. Fire, insects, and diseases.
Sec. 109. Land reclassification.
Sec. 110. Valid existing rights and withdrawals.
Sec. 111. Maintenance and replacement of foot bridges in wilderness areas.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

Sec. 201. Purpose.
Sec. 203. Impact on water rights and flow requirements.
Sec. 204. Culvert replacement.
Sec. 205. Protection for Hood River, Oregon.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

Sec. 301. Designation.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

Sec. 401. Definition of Mount Hood region.
Sec. 402. Transportation plan.
Sec. 403. Study relating to gondola connection and intermodal transportation center.
Sec. 404. Burial of power lines.
Sec. 405. Clarification of treatment of State highways.

TITLE V—LAND EXCHANGE

Subtitle A—Cooper Spur-Government Camp Land Exchange
Sec. 501. Purposes.
Sec. 502. Definitions.
Sec. 503. Cooper Spur-Government Camp land exchange.
Sec. 504. Concessioneers at the Inn at Cooper Spur and the Cooper Spur Ski Area.

Subtitle B—Port of Cascade Locks Land Exchange
Sec. 511. Definitions.

Subtitle C—Hunchback Mountain Land Exchange and Boundary Adjustment
Sec. 521. Definitions.
Sec. 522. Hunchback Mountain land exchange, Clackamas County.
Sec. 523. Boundary adjustment.
TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP
Sec. 601. Findings and purpose.
Sec. 602. Forest stewardship assessment.
Sec. 603. Sustainable biomass utilization study.
Sec. 604. Watershed management memorandum of understanding.
Sec. 605. Technical assistance.

TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT
Sec. 701. Findings and purpose.
Sec. 702. Establishment of Crystal Springs Watershed Special Resources Management Unit.
Sec. 703. Administration of Management Unit.
Sec. 704. Acquisition of lands.
Sec. 705. Effective date.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS
Sec. 801. Findings and purpose.
Sec. 802. First foods gathering areas.
Sec. 803. Forest Service coordination with States.
Sec. 804. Suggestions regarding relations with Indian tribes.
Sec. 805. Improved natural disaster preparedness.

TITLE IX—RECREATION
Sec. 901. Findings and purpose.
Sec. 902. Retention of Mount Hood National Forest land use fees from special use authorizations.
Sec. 903. Use of funds in special account to support recreation.
Sec. 904. Annual reporting requirement.
Sec. 905. Mount Hood National Forest Recreational Working Group.
Sec. 906. Consideration of conversion of forest roads to recreational uses.
Sec. 907. Improved trail access for persons with disabilities.

TITLE X—AUTHORIZATION OF APPROPRIATIONS
Sec. 1001. Authorization of appropriations.

SEC. 2. DEFINITIONS.
In this Act:
(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
(2) MOUNTAIN BIKE.—The term “mountain bike” does not include a motorized vehicle.
(3) SECRETARY.—The term “Secretary” means—
(A) when used in reference to Forest Service land, the Secretary of Agriculture; and
(B) when used in reference to Bureau of Land Management land, the Secretary of the Interior.
(4) STATE.—The term “State” means the State of Oregon.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.
In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(a) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 9,814 acres, as generally depicted on the map entitled “Bull of the Woods”, dated February 2007, which is incorporated in, and considered to be a part of, the Woodt Witch Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1981 (16 U.S.C. 1132 note; 98 Stat. 273).

(b) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 1,419 acres, as generally depicted on the maps entitled “Badger Creek” and “Bonneville Butte”, dated February 2007, which are incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1981 (16 U.S.C. 1132 note; 98 Stat. 273).

(c) HUNCHBACK MOUNTAIN.—The term “Hunchback Mountain”, dated February 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1981 (16 U.S.C. 1132 note; 98 Stat. 273).

(d) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 2,844 acres, as generally depicted on the map entitled “Lower White River”, dated February 2007, which shall be known as the “Lower White River Wilderness”.

(e) RICHARD L. KOHNSTAMM MEMORIAL AREA.

(1) DESIGNATION.—Certain Federal land managed by the Forest Service, comprising approximately 157 acres of designated wilderness, as generally depicted on the map entitled “Richard L. Kohnstamm Memorial Area”, dated February 2007, which shall be known and designated as the “Richard L. Kohnstamm Wilderness”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to an area described in subsection (a) shall be deemed to be a reference to the Richard L. Kohnstamm Wilderness.

(3) BOUNDARY.—
(4) DESCRIPTION OF LANDS.—The boundaries of the memorial area shall be as follows:
(A) a reference to the date of enactment of this Act; and
(B) the Committee on Natural Resources of the Senate; and
(2) the Committee on Natural Resources of the House of Representatives.

(5) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 3. DESCRIPTION OF LANDS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map entitled “Richard L. Kohnstamm and Clark Mount Hood Wilderness Additions of 2007”, dated February 2007, and a legal description of each wilderness area designated by this Act shall be a reference to the date of enactment of this Act, except that the Secretary may correct typographical errors in the map and each legal description.

(b) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(c) DESCRIPTION OF LANDS.—The boundaries of the wilderness areas designated by this Act shall be as follows:

(1) IN GENERAL.—The memorial area shall be as follows:
(2) the Committee on Natural Resources of the Senate; and
(3) the Committee on Natural Resources of the House of Representatives.

(3) STATE.—The term “State” means the State of Oregon.

(d) WILDERNESS AREAS DESIGNATED IN NATIONAL WILDERNESS PRESERVATION SYSTEM.—Certain other areas of designated wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—
(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and
(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

(4) CONSISTENT INTERPRETATION TO THE PUBLIC.—Notwithstanding separate jurisdictional differences, the Secretary of Agriculture and the Secretary of the Interior shall collabo- rate to ensure that the wilderness areas designated by this title, if appropriate, are interpreted for the public as an overall complex related by—
(1) location in the Mount Hood-Columbia River Gorge region;
(2) the abundant history of Native American use;
(3) the epic journey of Lewis and Clark;
(4) the pioneer settlement and growth of the State; and
(5) water sources for more than 40 percent of the residents of the State.

(5) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this Act that is acquired by the Federal Government shall—
(1) become part of the wilderness area in which the land is located within a national recreation area; and
(2) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(6) DESIGNATIONS AS NATIONAL WILDERNESS AREAS.—Any wilderness area designated in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).
SEC. 105. BUFFER ZONES.

(a) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designated wilderness areas to be administered by the Secretary of the Interior under this title to lead to the creation of protective perimeters or buffer zones around the wilderness area.

(b) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

SEC. 106. FIRE SAFE COMMUNITY ZONES.

Consistent with the Mount Hood National Forest Management Plan and the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), the Secretary shall construct a stratified system of defensible fuel profile zones (including shaded fuelbreaks, thinning, individual tree selection, and other methods of vegetation management) between the wilderness boundary and the community boundary around Cascade Locks and Government Camp.

SEC. 107. FISH AND WILDLIFE, HUNTING AND FISHING.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as altering the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

SEC. 108. FIRE, INSECTS, AND DISEASES.

As provided in section 4(i) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this Act, the Secretary of Agriculture (in collaboration with the Secretary of the Interior, where appropriate) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

SEC. 109. LAND RECLASSIFICATION.

(a) OREGON AND CALIFORNIA RAILROAD LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall identify any Oregon and California Railroad Land that is subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), within the jurisdiction of the State of Oregon, as paragraph (169); and

(b) PUBLIC DOMAIN LAND.—

(1) DEFINITION OF PUBLIC DOMAIN LAND.—In this section, the term "public domain land"—

(A) has the meaning given the term "public land" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702); and

(B) does not include any land managed under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) IDENTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall identify public domain land within the State that—

(A) is approximately equal in acreage of land described in subsection (a); and

(B) would be appropriate for administration in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) MAPS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and the public in the Federal Register, or more maps depicting the land identified under subsections (a) and this subsection.

(4) RECLASSIFICATION.—After providing an opportunity for public comment, the Secretary of the Interior shall administratively reclassify—

(A) the land described in subsection (a) as public domain land that is not subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181f); and

(B) the land described in this subsection as Oregon and California Railroad Land that is subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 110. VESTED RIGHTS AND WITHDRAWAL.

Subject to valid existing rights on the date of enactment of this Act, the Federal land designated as a wild river by this Act is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral source development.

SEC. 111. MAINTENANCE AND REPLACEMENT OF FOOT BRIDGES IN WILDERNESS AREAS.

(a) IN GENERAL.—As provided in the case of each wilderness area designated or expanded by section 102, it is the intent of Congress that the Secretary be able to provide for—

(1) the maintenance of any foot bridge crossing located in a wilderness area; and

(2) when needed, the replacement of the foot bridge crossings to ensure public access and safety.

(b) MINIMUM TOOL POLICIES.—The Secretary shall carry out foot bridge replacement and maintenance under section 110(a) subject to the minimum requirement for the administration of the area.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE SOUTHWEST WILDERNESS AREA

SEC. 201. PURPOSE.

The purpose of this title is to designate approximately 81 miles of waterways in the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System.

SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Middle Fork Clackamas, New Jersey) as paragraph (169); and

(2) by designating the undesignated paragraph relating to the Black Butte River, Washington, as paragraph (168); and

(3) by adding the following:

"(170) SOUTH FORK CLACKAMAS RIVER.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas, to its confluence with the Clackamas River, to be administered by the Secretary as a wild river."

"(171) EAGLE CREEK.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river."

"(172) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river."

"(173) SOUTH FORK ROARING RIVER.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river."

"(174) ZIG ZAG RIVER.—The 2.9-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river."

"(175) FIFTEENMILE CREEK.—The 13.5-mile segment of Fifteenmile Creek from its source at Senecal Spring to the eastern edge of the watershed of the North Fork, and to the southeast of the primary travel route, to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river."

"(176) EAST FORK COLLAWASH RIVER.—The 17.5-mile segment of the Collawash River from its source at Hookey Creek to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river."

"(177) SOUTH FORK COLLAWASH RIVER.—The 17.5-mile segment of the Collawash River from its headwaters to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river."

"(178) FISCHER CREEK.—The 13.5-mile segment of Fischer Creek from its headwaters to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river."

SEC. 203. IMPACT ON WATER RIGHTS AND FLOW REQUIREMENTS.

(a) RELATION TO EXISTING REQUIREMENTS.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(a)), as amended by this Act, to have any impact on any water right or flow requirement relating to—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

(b) EXCLUSION OF CONFLICT APPROVAL AREAS.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(a)), as amended by this Act, to include any portion of the operational area of—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

SEC. 204. CULVERT REPLACEMENT.

Culvert replacement carried out by the Forest Service or the Bureau of Land Management to improve fish passage and the ecosystem of the wilderness area by this Act shall not be considered water and resource development.
SEC. 301. DESIGNATION.
(a) DESIGNATION.—In order to best provide for the protection, preservation, and enhancement of its recreational, ecological, scenic, wildlife, and fish and wildlife values, there is hereby established the Mount Hood National Recreation Area within the Mount Hood National Forest.
(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of land located within the boundary depicted on the map entitled “Mount Hood National Recreation Area” and dated February 2007.
(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.
(d) ADMINISTRATION.—The Secretary shall administer the Mount Hood National Recreation Area in accordance with the laws, rules and regulations applicable to the national forests and the purposes and values identified in subsection (a). The Secretary shall only make decisions that are consistent with the purposes and values identified in subsection (a).
(e) ROAD CONSTRUCTION.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—
(1) to the extent necessary to improve the health of the forest in a manner that—
(A) maximizes the retention of large trees as appropriate to the forest type, to the extent that those trees promote stands that are floristically diverse;
(B) improves the habitats of threatened, endangered, proposed, or sensitive species; or
(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire effects;
(2) to accomplish an approved management activity in furtherance of the purposes established by this subsection, if the cutting, sale, or removal of timber is incidental to the management activity; or
(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this subsection.
(f) ROAD CONSTRUCTION.—No new or temporary roads are to be constructed or reconstructed except where it is required—
(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;
(2) to conduct environmental cleanup required by the Federal Government;
(3) to allow for reserved or outstanding rights provided for by a statute or treaty;
(4) to prevent irreparable resource damage by an existing road;
(5) to rectify a hazardous road condition; or
(6) in conjunction with—
(A) the continuation, extension, or renewal of a mineral lease on land that is under lease; or
(B) a new mineral lease that is issued immediately after the expiration of an existing mineral lease.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS
SEC. 401. DEFINITION OF MOUNT HOOD REGION.
In this title, the term “Mount Hood region” means—
(1) Mount Hood and the other land located adjacent to the mountain;
(2) any segment of the Oregon State Highway 26 corridor that is located in or near Mount Hood National Forest;
(3) any segment of the Oregon State Highway 35 corridor that is located in or near Mount Hood National Forest;
(4) each segment of the Forest Service, State, or county that is located in and near Mount Hood National Forest; and
(5) any gateway community located adjacent to any highway or road described in paragraph (2), (3), or (4).
SEC. 402. TRANSPORTATION PLAN.
(a) IN GENERAL.—The Secretary shall—
(1) prepare a transportation plan for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region.
(b) PLANNING PROCESS.—The transportation plan under subsection (a) shall—
(1) conform with Federal and Oregon transportation planning requirements;
(2) be developed through a collaborative process, preferably through the use of a commission composed of interested persons appointed by the Secretary and local government representatives from the Forest Service and local governments in the Mount Hood region.
(c) SCOPE OF PLAN.—The transportation plan under subsection (a) shall address issues relating to—
(1) the transportation of individuals to and from areas outside the Mount Hood region on or near corridors traversing that region;
(2) the transportation of individuals to and from locations that are located within the Mount Hood region;
(d) CONTENTS OF PLAN.—At a minimum, the transportation plan under subsection (a) shall consider—
(1) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;
(2) establishing park-and-ride facilities that shall be located at gateway communities;
(3) establishing intermodal transportation centers to link local, regional, state and interstate highway, parking, and recreation destinations;
(4) creating a new interchange on Oregon State Highway 26 that shall be located adjacent to or within Government Camp;
(5) designating, maintaining, and improving alternative routes using Forest Service or State roads for—
(A) providing emergency routes; or
(B) improving access to, and travel within, the Mount Hood region;
(6) reconstructing the segment of Oregon State Highway 26 corridor that is located between Mineral Creek and Baseline Road to address ongoing debris flow locations; and
(7) creating mechanisms for funding the implementation of the transportation plan under subsection (a), including—
(A) funds provided by the Federal Government;
(B) public-private partnerships;
(C) incremental tax financing; and
(D) other financing tools that link transportation infrastructure improvements with development.
(e) COMPLETION OF PLAN.—Not later than 2 years after the date on which funds are first made available to carry out this section, the Secretary shall complete the transportation plan under subsection (a).

TITLE V—LAND EXCHANGE
Subtitle A—Cooper Spur-Government Camp Land Exchange
SEC. 501. PURPOSES.
The purposes of this subtitle are—
(1) to recognize the contributions of local residents and political and business leaders from throughout the States of Oregon and Washington to protect the north side of Mount Hood; and
(2) to authorize the exchange of the Federal land and non-Federal land.
SEC. 502. DEFINITIONS.

In this subtitle:

(1) COUNTY.—The term "County" means Hood River County, Oregon.

(2) EXCHANGE MAP.—The term "exchange map" means the map entitled "Cooper Spur-Government Camp Land Exchange" and dated September 2006.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means—

(A) the parcel of approximately 770 acres of non-Federal land at Cooper Spur, as depicted on the exchange map; and

(B) the parcel of approximately 40 acres of non-Federal land in Mount Hood National Forest in Government Camp, Clackamas County, Oregon, as depicted on the exchange map.

(4) MT. HOOD MEADOWS.—The term "Mt. Hood Meadows" means the Mt. Hood Meadows Oreg., Limited Partnership.

(5) NON-FEDERAL LAND.—The term "non-Federal land" means—

(A) the parcel of approximately 770 acres of private land at Cooper Spur, as depicted on the exchange map;

(b) by building furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal conducted in 2005 by Appraiser Steven A. Hall, MAAP, MALEV, MAI, CCIM; and

(c) be approved in 2005 by Appraiser Steven A. Hall, MAAP, MALEV, MAI, CCIM; and

(d) be deposited in the fund established in subsection (a), the Secretary may—

(1) convey to the County, without consideration, the improvements described in section 503(e) of this Act, the Secretary shall issue to the non-Federal land to be acquired by the non-Federal land shall be determined by survey conducted under paragraph (1), and any other administrative costs of carrying out the exchange, shall be determined by the Secretary and the County.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the exchange, shall be determined by the Secretary and the County.

(3) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall—

(a) complete all legal and regulatory proceedings required for the exchange of the Federal land and the non-Federal land; and

(b) close on the Federal land and the non-Federal land.

(g) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(A) a conservation easement to the Federal land to protect existing wetland on the conveyed parcels, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(B) a trail easement to the Federal land that allows—

(i) the nonmotorized functional use by the public of identified existing trails located on the Federal land, as depicted on the trail map;

(ii) roads, utilities, and infrastructure facilities to cross the trails; and

(iii) improvement or relocation of the trails to accommodate development of the Federal land.

SEC. 504. CONCESSIONAIRES AT THE INN AT COOPER SPUR AND THE COOPER SPUR SKI AREA.

(a) PROSPECTUS.—Not later than 60 days after the date on which the land exchange is completed under section 503, the Secretary shall publish in the Federal Register a proposed prospectus to solicit 1 or more new concessionaires for the Inn at Cooper Spur and the Cooper Spur Ski Area, as reconfigured in accordance with the exchange map.

(b) COMPETITIVE PROSPECTUS.—Competitive prospectuses shall be subject to validation by the Secretary.

(c) CONSIDERATIONS.—In selecting a concessionaire, the Secretary shall consider—

(1) which bid is highest in terms of mone-

tary value; and

(2) other attributes of the bids submitted.

(d) CONSULTATION.—The Secretary shall consult with Mt. Hood Meadows, Meadows North, LLC, North Face Inn, LLC, the Hood River Valley Residents Committee, the Cooper Spur Wild and Free Coalition, and the Hood River County Commission—

(1) in selecting a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area; and

(2) in preparing for the orderly and smooth transition of the operation of the Inn at Cooper Spur and the Cooper Spur Ski Area to the new concessionaire.

(e) DESTRUCTION OF RECORDS.—Any records received under a concession contract under this section shall—

(1) be destroyed and established under Public Law 90-171 (commonly known as the "Sisk Act") (46 U.S.C. 484a); and

(2) remain available to the Secretary until expended, without transfer of ownership, for use in the Mount Hood National Forest, with priority given to using amounts in the Hood River Ranger District for restoration projects on all lands owned by the County.

(f) ALTERNATIVE CONVEYANCE AND SPECIAL USE PERMIT.—

(1) IN GENERAL.—If the Secretary has not selected a concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area by the date that is 1 year after the date on which the exchange is completed under subsection (a), the Secretary may—

(A) convey to the County, without consideration, the improvements described in section 503(e) of this Act, the Secretary shall issue to the non-Federal land to be acquired by the non-Federal land shall be determined by survey conducted under paragraph (1), and any other administrative costs of carrying out the exchange, shall be determined by the Secretary and the County.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the exchange, shall be determined by the Secretary and the County.

(3) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall—

(b) continue to allow Mt. Hood Meadows to operate as the concessionaire while the Secretary continues to seek an alternate concessionaire.

(2) SPECIAL USE PERMIT.—If the Secretary conveys improvements to the County under paragraph 1(a), the Secretary shall issue to the County a special use permit that would allow reasonable access to, and management of, the improvements under terms similar to the Cooper Spur Ski Area Special Use Permit.

Subtitle B—Port of Cascade Locks Land Exchange

SEC. 511. DEFINITIONS.

In this subtitle:

(1) EXCHANGE MAP.—The term "exchange map" means the map entitled "Port of Cascade Locks-Pacific Crest National Scenic Trail Land Exchange" and dated June 2006.

(2) PORT.—The term "Port" means the Port of Cascade Locks, Cascade Locks, Oregon.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 512. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.

(a) CONVEYANCE REQUIRED.—Subject to the provisions of this section, if the Port offers to convey to the United States in and to the Federal land, the Port shall convey to the non-Federal land, the Secretary shall convey to the Port all right, title, and interest of the Port in and to the Federal land, as depicted on the exchange map.

(b) COMPENSATION REQUIRED.—Title to the Federal land to be acquired by the Secretary under this section must be accepted by the Secretary, and the conveyances shall be subject to valid existing rights of record on and to the Federal land, as depicted on the exchange map.

(c) CONDITIONS ON ACCEPTANCE.—In selecting a new concessionaire, the Secretary shall consider—

(1) in selecting a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area; and

(2) in preparing for the orderly and smooth transition of the operation of the Inn at Cooper Spur and the Cooper Spur Ski Area to the new concessionaire.
(2) close on the Federal land and the non-Federal land.

Subtitle C—Hunchback Mountain Land Exchange and Boundary Adjustment

SEC. 521. DEFINITIONS.

In this section:

(1) BOUNDARY EXTENSION MAP.—The term “boundary extension map” means the map entitled “Hunchback Mountain Land Exchange—Clackamas County” and dated January 2007.

(2) COUNTY.—The term “County” means Clackamas County, Oregon.

(3) EXCHANGE MAP.—The term “exchange map” means the map entitled “Hunchback Mountain Land Exchange—Clackamas County” and dated June 2006.

(4) FEDERAL LAND.—The term “Federal land” means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest, as depicted on the exchange map.

(5) NON-FEDERAL LAND.—The term “non-Federal land” means the parcel of land consisting of approximately 160 acres, as depicted on the exchange map.

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 522. HUNCHBACK MOUNTAIN LAND EXCHANGE—CLACKAMAS COUNTY.

(a) CONVEYANCE REQUIRED.—Subject to the provisions of this section, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal land.

(b) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange in conformance with the provisions of section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record and such terms and conditions the Secretary may prescribe. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys or inspections under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(e) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that, not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) complete all legal and regulatory processes required for the exchange of the Federal land and the non-Federal land; and

(2) close on the Federal land and the non-Federal land.

SEC. 523. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Mount Hood National Forest is adjusted as depicted on the map entitled “Mount Hood National Forest Boundary Adjustment” and dated January 2007.

(b) AVAILABILITY OF BOUNDARY EXTENSION MAP.—The boundary extension map shall be on file in the office of the Chief of the Forest Service.

(c) CORRECTION AUTHORITY.—The Secretary may make minor corrections to the boundary extension map.

(d) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer any land that is conveyed to the United States and is located in the Mount Hood National Forest in accordance with—

(1) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(2) any laws (including regulations) applicable to the National Forest System.

(e) ATTACHMENT OF ADJACENT LAND.—Nothing in this Act shall limit the authority or responsibility of the Secretary to adjust the boundaries of the Mount Hood National Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521).

(f) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4609), the boundaries of the Mount Hood National Forest modified by this Act shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

SEC. 601. FINDINGS AND PURPOSE.

The purpose of this title is to direct the Forest Service to prepare an assessment to promote forested landscapes resilient to catastrophic fire, insects, and disease, to protect homes and other property at risk from property damage and threats to public safety, and to protect and enhance existing community or municipal watersheds. It is the intent of Congress that site-specific forest health needs, existing law.

SEC. 602. FOREST STEWARDSHIP ASSESSMENT.

(a) PREPARATION OF ASSESSMENT.—The Secretary of Agriculture shall prepare an assessment to identify the forest health needs of the Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality. The Secretary may utilize existing information to complete the assessment. The assessment shall also identify specific projects to address these issues.

(b) IMPROVED MAPPING.—The assessment will include mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) COMPLETION.—The Secretary of Agriculture shall complete the assessment not later than 1 year after the date of enactment of this Act.

(d) DURATION OF STUDY.—The assessment shall cover a 10-year period.

(e) IMPLEMENTATION.—Not later than 1 year after completion of the assessment, the Secretary shall commence implementation of projects to address the needs identified in the assessment. These projects shall be implemented in a manner available to the Secretary to manage the Mount Hood National Forest to achieve the purpose specified in subsection (a).

(f) DELAY.—During development of the assessment under this section, a forest management project that is unaffiliated with the forest health management project is based on the Mount Hood National Forest contrary to existing law.

SEC. 603. SUSTAINABLE BIOMASS UTILIZATION STUDY.

(a) STUDY REQUIRED.—The Secretary of Agriculture shall conduct a study to assess the amount of long-term sustainable biomass available for the uses described in this section, which consistent with applicable law, could be made available as a raw material for—

(1) the production of electric energy, sensitive to transportation and to the extent to which the Secretary any authority to manage the non-Federal land for fuelwood, furniture, chips, or paper products.

(3) other commercial purposes.

(b) DEFINITION.—In this section, the term “biomass” means small diameter trees and undergrowth vegetation that is removed from forested land as a by-product of forest restoration efforts.

SEC. 604. WATERSHED MANAGEMENT MEMORANDUM OF UNDERSTANDING.

(a) COMPLETION OF MEMORANDUM OF UNDERSTANDING.—To the extent that memoranda of understanding or other legal agreements involving watersheds of Mount Hood National Forest do not exist between irrigation districts or municipalities and the Forest Service, the Secretary of Agriculture may complete memoranda of understanding that outline leadership goals to manage the watersheds for water quality and water quantity.

(b) ELEMENTS OF MEMORANDUM.—A memorandum of understanding involving a watershed of Mount Hood National Forest shall encourage adaptability, establish benchmarks for water quality and water quantity, and require monitoring to determine progress in meeting such benchmarks. The memorandum of understanding may restrict public access to areas of the watershed where appropriate.

(c) PUBLIC PROCESS REQUIRED.—

(1) COLLABORATION AND CONSULTATION.—The Secretary of Agriculture shall ensure that the process by which the Secretary enters into a memorandum of understanding with an irrigation district, local government, or other entity involving a watershed of Mount Hood National Forest is based on collaboration and cooperation between the Forest Service and local jurisdictions and other interested persons.

(2) PUBLIC MEETING REQUIRED.—The Secretary and the other party or parties to the proposed memorandum of understanding shall hold at least 1 joint public meeting before completing a final draft of the memorandum of understanding.

(3) PUBLIC COMMENT.—A draft memorandum of understanding shall also be open to public comment before being finalized.

SEC. 605. TERMINATION.

The authority provided by this title shall terminate on the date that is 10 years after the date of enactment of this Act.
TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

SEC. 701. FINDINGS AND PURPOSE.
The purpose of this title is to establish a special resources management unit to ensure protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River Valley, while also allowing visitors to enjoy its special scenic, natural, cultural, and wildlife values.

SEC. 702. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.

(a) ESTABLISHMENT.—Effective as provided by section 705, the Secretary of Agriculture shall establish a special resources management unit in the State consisting of all National Forest System land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, as determined by the Crystal Springs Water District, and other National Forest System land in and around the Inn at Cooper Spur and the Cooper Spur Ski Area, as depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit” and dated June 2006 in this subtitle referred to as the “official map”).

(b) DESIGNATION.—The special resources management unit established pursuant to subsection (a) shall be known as the Crystal Springs Watershed Special Resources Management Unit, in this title referred to as the “Management Unit”.

(c) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subsection (a) that is designated as wilderness by title I.

(d) WITHDRAWAL.—Subject to valid existing rights, National Forest System land included in the Management Unit are permanently withdrawn from all forms of appropriation under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(e) MAPS AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the effective date specified in section 705, the Secretary shall prepare and submit to Congress a legal description of the Management Unit.

(2) FORCE OF LAW.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the map and legal description of the Crystal Springs Zone of Contribution incorporated in this Act to delineate the boundaries of the Management Unit, and the delineation of these boundaries is not intended to affect the specific uses that may occur on private land within the boundaries of the Management Unit.

(f) PUBLIC AVAILABILITY.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

SEC. 703. ADMINISTRATION OF MANAGEMENT UNIT.

(a) GENERAL APPLICABILITY OF EXISTING LAWS.—Except as provided in this title, all other laws and regulations affecting National Forest System lands shall continue to apply to those National Forest System lands included in the Management Unit.

(b) AUTHORIZED ACTIVITIES.—

(1) PROCESSES FOR ALLOWING ACTIVITIES.—Only activities specified in this subsection may occur in the Management Unit, and the Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after the Secretary—

(A) obtains the review and opinions of the appropriate committees of both Houses of Congress on the effect of the activity on the purposes of the Management Unit;

(B) complies with all applicable Federal law regarding implementation and management of the activity; and

(C) when appropriate, provides to the general public advance notice of the activity, an opportunity to comment on the activity, and appeal rights regarding the activity.

(2) RECREATION.—The Secretary may—

(A) continue to maintain recreational opportunities on the Management Unit as of the effective date specified in section 705, within their existing and designated footprints or to a larger area; and

(B) develop new footpaths or cross-county skiing trails in the Management Unit.

(3) LEASE OF CERTAIN IMPROVEMENTS.—The Secretary may lease improvements and facilities, in existence in the Management Unit as of the effective date specified in section 705, within their existing and designated footprints or to a larger area.

(4) ROAD MAINTENANCE.—Subject to subsection (d), the Secretary may maintain National Forest System roads, in existence in the Management Unit, that were in existence as of the effective date specified in section 705 or as directed by the management plan required by subsection (d).

(5) MAINTENANCE OF VARIOUS IMPROVEMENTS.—The Secretary may maintain various improvements within the Management Unit.

(6) FUEL REDUCTION AND FORMATION OF MANAGEMENT AND HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities on the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(7) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities on the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(8) ROAD MAINTENANCE.—Subject to management plan required by subsection (d), the Secretary may construct, repair, or maintain roads within the Management Unit.

(9) ACQUISITION OF LANDS.—The Secretary may acquire from willing landowners, within their existing and designated footprints or to a larger area.

(10) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities on the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit, including any of the land acquired under subsection (a) or received by the Secretary as part of the Cooperative-Governmental Land exchange authorized by subsection (a) except as provided in this section.

(1) ACQUISITION OF LANDS.—The Secretary of Agriculture may acquire from willing landowners, within their existing and designated footprints or to a larger area.

(2) PROJECTS FOR ACQUISITION OF LANDS.—The Secretary may acquire from willing landowners, within their existing and designated footprints or to a larger area.

(3) SPECIFIC AUTHORIZATION.—The following activities may not occur on National Forest System land or structures on adjacent private land, and

(4) APPLICATION FOR FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities on the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities on the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(c) SPECIFICALLY PROHIBITED ACTIVITIES.—The following activities may not occur on National Forest System land or structures on adjacent private land, and

(1) NEW road construction or renovation of existing non-System roads.

(2) PROJECTS FOR ACQUISITION OF LANDS.—The Secretary of Agriculture may acquire from willing landowners, within their existing and designated footprints or to a larger area.

(d) MANAGEMENT PLAN.—

(1) PLAN REQUIRING.—Within 9 months after the effective date specified in section 605, the Secretary of Agriculture shall adopt a management plan for the Management Unit that, while providing for the limited activities specifically authorized by subsection (b), protects the watershed from illegal dumping, human waste, fires, vandalism, and other risks to water quality.

(2) CONSULTATION AND PUBLIC PARTICIPATION.—The Secretary shall prepare the management plan in consultation with the Crystal Springs Water District, the Cooper Spur Wild and Free Coalition, and Hood River County and provide for public participation as described in subsection (b)(1)(C).

(3) DETERMINATION BY SECRETARY.—In the event that the management plan required by subsection (d), the Secretary of Agriculture may provide for the closure or gating to the general public of National Forest System land included in the Management Unit, except for the road commonly known as Cloud Cap Road.

(4) PRIVATE LAND.—Nothing in this section authorizes the Secretary to sell, trade, or otherwise transfer ownership of any land within the Crystal Springs Zone of Contribution by the owners of the private property and their guests.

(5) MANAGEMENT UNIT; CRYSTAL SPRINGS WATER DISTRICT REGARDING THE MANAGEMENT UNIT.—The Secretary of Agriculture shall ensure that the boundaries of the Management Unit is the maintenance and restoration of fire-resilient forest structures containing large successional forest structure characterized by large trees and multi-storied canopies (where ecologically appropriate) and the protection of the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit, the Secretary may permit fuel reduction on National Forest System land in the Management Unit.

(6) EXTENT.—The Secretary may authorize activities on the Management Unit as of the effective date specified in section 705, within their existing and designated footprints or to a larger area.

(e) EFFECTIVE DATE.
The Secretary of Agriculture shall establish the Management Unit as soon as practicable after the final closing of the Cooper Spur-Government-Camp land exchange authorized by subsection (a), in no case later than 30 days after the date of the final closing of such land exchange. The Management Unit may not be established before the final closing of the land exchange.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS

SEC. 801. FINDINGS AND PURPOSE.
The purpose of this title is to recognize and support the ability of Native Americans to continue to gather first foods in the Mount Hood National Forest using traditional methods and the central role of the State and local governments in management of lands dealing with natural and developed environments in the vicinity of the national forest.
SEC. 902. FIRST FOODS GATHERING AREAS.

(a) Priority Use Areas.—The Secretary of Agriculture shall identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas shall be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Departments of Agriculture, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the “Warm Springs Tribe”) and dated April 23, 2003, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

(b) Priority Use.—Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall, in cooperation with the Mount Hood National Forest, gather first foods in the priority-use areas established pursuant to subsection (a).

(c) Applicable Law.—In considering and selecting National Forest System land for inclusion in a priority-use area under subsection (a), the Secretary of Agriculture shall comply with the land and resource management plan for Mount Hood National Forest and applicable laws.

(d) Definition.—In this section, the term “first foods” means roots, berries, and plants on National Forest System land in Mount Hood National Forest that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

SEC. 903. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.

Congress encourages the Secretary of Agriculture to cooperate with the State, local communities, counties, and Indian tribes in the vicinity of Mount Hood National Forest, and the heads of other Federal agencies to identify common ground, coordinate planning of the national forest, and make the Federal Government a better partner in building cooperative and lasting solutions for management of Mount Hood National Forest and the heads of other Federal agencies; and make the Federal Government a better partner in building cooperative and lasting solutions for management of Mount Hood National Forest and the heads of other Federal agencies that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

SEC. 904. SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.

(a) Treaty Rights.—Nothing in this Act is intended to alter, modify, enlarge, diminish, or extinguish the treaty rights of any Indian tribe, including the reserved rights established by the Treaty of June 25, 1855, with the Tribes and Bands of Middle Oregon (12 Stat. 963). Section 702 is consistent with and intended to implement the gathering rights of such treaty.

(b) Tribal Lands.—Nothing in this Act is intended to affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(c) Hunting and Fishing.—Nothing in this Act is intended to affect the laws, rules, and regulations pertaining to hunting and fishing under the Oregon State and Federal laws and Indian treaties.

SEC. 905. IMPROVED NATURAL DISASTER PREPAREDNESS.

(a) Improving Standards.—New development occurring on land conveyed by the Secretary of Agriculture under title V or otherwise permitted by the Secretary of Agriculture on National Forest System land in Mount Hood National Forest after the date of the enactment of this Act shall be constructed or altered in compliance with—

1. The nationally recognized model building codes; and
2. The nationally recognized wildland-urban interface codes and standards; or
3. The other applicable nationally recognized fire prevention codes.

(b) Priority Use.—Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall, in cooperation with the Mount Hood National Forest, gather first foods in the priority-use areas established pursuant to subsection (a).

SEC. 906. IMPROVED NATURAL DISASTER PREPAREDNESS.

(a) Establishment and Purpose.—The Secretary of Agriculture shall establish a National Forest System Land Use Plan Working Group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation and enhancement projects in Mount Hood National Forest, the Secretary shall accept and use the funds in accordance with section 903.
REQUIREMENTS.—

(2) Meetings.—All meetings of the Working Group shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(3) Records.—The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.

(c) Compensation.—Members of the Working Group shall not receive any compensation for their service on the Working Group.

(d) Nomination to the Regional Forester for Adjacent Tribes.—

(1) Appointment and Term.—The Regional Forester shall make initial appointments to the Working Group for a term of 3 years beginning on the date of appointment. A member may be reappointed to subsequent 3-year terms.

(2) Initial Appointment.—The Regional Forester shall make initial appointments to the Working Group not later than 180 days after the date of enactment of this Act.

(3) Vacancies.—The Regional Forester shall make appointments to fill vacancies on the Working Group as soon as practicable after the vacancy has occurred.

(f) Other Working Group Authorities and Requirements.—

(1) Staff Assistance.—The Secretary of Agriculture shall provide staff assistance to the Working Group from Federal employees under the jurisdiction of the Secretary.

(2) Meetings.—All meetings of the Working Group shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(3) Records.—The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.

(4) Limited Administrative Assistance.—Not more than 5 percent of the funds allocated under section 903(b) to Mount Hood National Forest for the 10-year period beginning on the date of enactment of this Act for the 10-year period beginning on the date of enactment of this Act shall be used to provide administrative assistance to the Working Group during that fiscal year.

(b) Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group.

(1) Termination of Working Group.—The Working Group shall terminate at the end of the 10-year period beginning on the date of enactment of this Act.

SEC. 906. Consideration of Conversion of Forest Roads to Recreational Uses.

(a) Evaluation of Currently Closed Roads.—

(1) Consideration for Recreational Use.—The Secretary of Agriculture may make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before the date of enactment of this Act for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational use to enhance recreational opportunities in the national forest, such as conversion to single-track trails for mountain bikes and other recreational uses.

(2) Consideration of Environmental and Economic Impacts.—In evaluating the feasibility and suitability of converting Forest Service roads under this subsection to recreational uses to be authorized, the Secretary shall take into account the environmental and economic impacts of implementing the conversion and of the resulting recreational uses.

(3) Public Process.—The consideration and selection of Forest Service roads under this subsection for recreational uses, and the types of recreational uses to be authorized, shall be a public process, including consultation by the Secretary of Agriculture with the Regional Forester and Forest Service workers.

(b) Future Closure Considerations.—Whenever the Secretary of Agriculture considers a Forest Service road in Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary shall include, as an alternative to decommissioning the road, consideration of converting the road to recreational uses to enhance recreational opportunities in the national forest.


(a) Construction of Trail.—The Secretary of Agriculture may enter into a contract with a partner organization or other person to design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

(b) Public Process.—The selection of the trail location and design and the preparation of the design of the trail shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

SECTION 1.—Authorization of Appropriations.

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

By Mr. REID:

S. 650. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Test Site Nuclear Compensation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The contribution of the State of Nevada to the security of the United States through its participation in the Cold War and since has been unparalleled.

(2) In 1950, President Harry S Truman designated what would later be called the Nevada Test Site as the country’s nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was conducted.

(3) The United States conducted 900 above ground and 828 underground nuclear tests at the Nevada Test Site from 1951 to 1992.

(4) Out of the 1,084 nuclear tests conducted in the United States, 526 or 88 percent, were conducted at the Nevada Test Site.

(5) The Nevada Test Site has served, and continues to serve, as a model for over 50 other nuclear facilities and the private sector producing and testing nuclear weapons and engaging in related atomic energy defense activities for the national defense beginning in the 1940s.

(6) These Cold War atomic energy veterans helped to build and test the nuclear arsenal that served as a deterrent during the Cold War, sacrificing their health and well-being in service to the United States.

(7) Individuals working on Cold War-era nuclear weapons programs were employed in the execution of government programs and the private sector producing and testing nuclear weapons and engaging in related atomic energy defense activities for the national defense beginning in the 1940s.

(8) These Cold War atomic energy veterans helped to build and test the nuclear arsenal that served as a deterrent during the Cold War, sacrificing their health and well-being in service to the United States.

(9) During the Cold War, many of these workers were exposed to radiation, beryllium, and silica, and were placed in harm’s way by the Department of Energy and contractors, subcontractors, and vendors of the Department without the workers’ knowledge or consent, without adequate research, monitoring, and without necessary protections from internal or external occupational radiation exposure.

(10) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (in this section referred to as "EEOICPA") was enacted to ensure fair and equitable compensation for men and women who, during the past 60 years, performed duties uniquely related to the nuclear weapons
production and testing programs of the Department of Energy, its predecessor agenciess, and its contractors by establishing a program that would provide timely, uniform, and adequate compensation for beryllium- and radiation-related health conditions.

(11) Research by the Department of Energy, the National Institute for Occupational Safety and Health (NIOSH), NIOSH contractors, the Energy Advisory Board on Radiation and Worker Health, and congressional committees indicates that at certain nuclear weapons facilities—

(A) workers were not adequately monitored for internal or external exposure to ionizing radiation; and

(B) records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

(12) Due to the inequities posed by the fact that compensations based on records that are incomplete or failure to indicate the radioactive isotopes to which workers were exposed.

SEC. 3. INCLUSION OF CERTAIN NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) In General.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384) is amended by

(1) in paragraph (9), by adding at the end the following new subparagraph:

"(C) An individual described in paragraph (14)(D);" and

(2) in paragraph (14), by adding at the end the following new subparagraph:

"(D) The employee was so employed at the Nevada Test Site or other similar sites in which a classified test was conducted beginning on January 1, 1950, and ending on December 31, 1993, and contracted an occupational illness, basal cell carcinoma, or chronic lymphocytic leukemia, and, during such employment—

"(i) was present during an atmospheric or underground nuclear test or performed drillsbacks, tunnel re-entry, or clean-up work following such a test (without regard to the duration of employment);

"(ii) was present at an event involving the venting of an underground test or during a planned or unplanned radiation release (without regard to the duration of employment);

"(iii) was present during testing or post-test activities related to nuclear rocket or ramjet engine testing at the Nevada Test Site (without regard to the duration of employment);

"(iv) was assigned to work at Area 51 or other classified program areas of the Nevada Test Site (without regard to the duration of employment); or

"(v) was employed at the Nevada Test Site, and was employed in a job activity that—

"(I) was monitored for exposure to ionizing radiation; or

"(II) was comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation at the Nevada Test Site.".

(b) DEADLINE FOR CLAIMS ADJUDICATION.—Claims for compensation under section 3621(d) of Energy Employees Occupational Illness Compensation Program Act of 2000, as added by subsection (a), shall be adjudicated and a final decision issued—

(1) in the case of a claim pending as of the date of the enactment of this Act, not later than 30 days after such date; and

(2) in the case of claims filed after the date of the enactment of this Act, not later than 30 days after the date of such filing.

Mr. HARKIN. Mr. President, as you may have heard, today we are launching a very real prospect that today’s kids could be the first generation in American history to have a shorter lifespan than their parent’s generation.

And that is unacceptable. We are not going to let that happen. And that is why we have set the goal of ensuring that every child in America gets 60 minutes of play and physical activity every day.

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health and preventing disease—instead of just dealing with the bad consequences of obesity, diabetes, and heart disease.

By the way, I am grateful to the good corporate citizens that are joining in the Partnership Every Day, including PepsiCo, Toyota, Kellingley Company, General Mills, PlayCore, and Landscape Structures. Your support of this legislation and new initiative is going to be critical to the Partnership’s success.

So, I salute all the players in this new Partnership. Together, we can build a better, healthier future for America’s children.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 654. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving the contamination leading to food-borne illness, and improving the security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, years ago, a friend from Chicago went out and bought hamburger meat at a local grocery store. She took it home, cooked it, and gave it to her five-year-old boy. That poor boy was exposed to E. coli and died days later, a gruesome, horrible death.

In 1992, four children died and 700 people were sickened by an E. coli outbreak that was traced to hamburgers served at Jack in the Box restaurants. That outbreak proved to be a pivotal moment in the history of the beef industry. The Federal Government revamped the meat inspection program which has led a decline in the number of illnesses from beef since 2000.

The E. coli outbreaks from fresh produce that occurred at the end of 2006 may prove to be the critical events for the produce industry as the Jack in the Box outbreak was for the meat industry. Three people died and nearly 200 were sickened in 26 States due to E. coli that was traced back to packaged spinach.

The breadth of the problem of foodborne illness is stunning. The Centers for Disease Control and Prevention estimate that as many as 76 million people get sick from food poisoning each year. Of those individuals, approximately 325,000 will be hospitalized and more than 5,000 will die. Children and the elderly are especially vulnerable to foodborne pathogens. Despite these statistics, our food supply is still the safest in the world; however, there are widening gaps in our food safety system due to the fact that food safety oversight has evolved over time and is spread across several agencies.

As the number of foods imported from the United States continues to increase so do concerns that terrorists could easily attack our food supply and distribute a harmful product widely. It is more important now than ever to reinforce any potential weak spots in our food safety system.

Last month, the Government Accountability Office (GAO) designated the Federal oversight of food safety as a high-risk area. In order to achieve greater effectiveness and accountability, there needs to be a broad-based transformation of our federal food safety oversight. GAO concluded that the fragmented federal system, with 15 agencies collectively administering at least 30 laws, has caused inconsistent oversight and an inefficient use of resources. An accidental or deliberate contamination of the food supply could undermine consumer confidence and cause severe economic consequences. It is not a surprise that GAO placed food safety oversight on its high-risk list this year, GAO has been calling for a single food safety agency for the past 30 years.

Here is one example of where our current food safety system doesn’t make sense. Take a pre-packaged ham and cheese sandwich that’s available at your local convenience store. The way the sandwich is regulated depends on how it is presented. USDA has jurisdiction if it is a packaged open-face meat or poultry sandwich that contains one slice of bread. If the sandwich is a closed-face meat or poultry sandwich, meaning it has two slices of bread, FDA inspects it. USDA inspectors inspect sandwiches that are sold in interstate commerce on a daily basis while FDA inspects closed-face sandwiches an average of once every five years.

Here’s another example that illustrates the inefficient use of resources. The U.S. Department of Agriculture (USDA) and the Food and Drug Administration (FDA) both inspect shipments of imported food at 18 U.S. ports-of-call; however, the two agencies do not share food safety data at these ports. USDA import inspectors are assigned to USDA-approved import inspection facilities at these ports and some of the ports also handle FDA-regulated products. USDA does not have jurisdiction over the FDA-regulated products. FDA has inspectors assigned to these facilities every day while the FDA-regulated products may remain at the facilities for some time awaiting FDA inspection. In fiscal year 2003, USDA inspected 8 million on imported food inspections and FDA spent over $115 million. This is just one example of where millions of dollars could have been saved if one agency oversaw the inspection process.

I ask unanimous consent that the text of the bill be printed in the RECORD.

The being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 654

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Safe Food Act of 2007”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.
Title I—Establishment of Food Safety Administration
Sec. 101. Establishment of Food Safety Administration.
Sec. 102. Coordination of separate food safety and inspection services and agencies.
Sec. 103. Additional duties of the Administration.
Title II—Administration of Food Safety Program
Sec. 201. Administration of national program.
Sec. 202. Registration of food establishments and foreign food establishments.
Sec. 203. Preventative process controls to reduce adulteration of food.
Sec. 204. Performance standards for contaminants in food.
Sec. 205. Inspections of food establishments.
Sec. 206. Food production facilities.
Sec. 207. Federal and State cooperation.
TITLE I—RESEARCH AND EDUCATION

Sec. 301. Public health assessment system.
Sec. 302. Public health education and advisory system.
Sec. 303. Research.

TITLE IV—ENFORCEMENT

Sec. 401. Prohibited Acts.
Sec. 402. Food detection, seizure, and condemnation.
Sec. 403. Notification and recall.
Sec. 404. Injunction proceedings.
Sec. 405. Criminal penalties.
Sec. 406. Prescription.
Sec. 407. Whistleblower protection.
Sec. 408. Administration and enforcement.
Sec. 409. Consideration of citizen civil actions.

TITLE V—IMPLEMENTATION

Sec. 501. Definition.
Sec. 502. Reorganization plan.
Sec. 503. Transitional authorities.
Sec. 504. Savings provisions.
Sec. 505. Conforming amendments.
Sec. 506. Additional technical and conforming amendments.
Sec. 507. Regulations.
Sec. 508. Authorization of appropriations.
Sec. 509. Limitation on authorization of appropriations.
Sec. 510. Effective date.

SECTION 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the safety of the food supply of the United States is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation’s economy;

(2) gaps in the protection of the food supply and loss of public confidence in food safety are damaging to consumers and the food industry, and place a burden on interstate commerce;

(3) the safety and security of the food supply requires an integrated, system-wide approach to preventing food-borne illness, a thorough and broad-based approach to basic and applied research, and intensive, effective, and efficient management of the Nation’s food safety programs;

(4) gaps in the protection of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the inability to detect all forms of contamination;

(B) an aging and immune compromised population, with a growing number of people at high risk, including food-borne illnesses, including infants and children;

(C) an increasing volume of imported food, without adequate monitoring and inspection; and

(D) maintenance of rigorous inspection of the domestic food processing and food service industries;

(5) the food safety standard setting, inspection, enforcement, and research efforts should be based on the best available science and public health considerations and food safety resources should be systematically deployed in ways that most effectively prevent food-borne illness;

(6) the Federal food safety system is fragmented, with at least 12 Federal agencies sharing responsibility for food safety, and operates under laws that do not reflect current conditions in the food system or current scientific knowledge about the cause and prevention of food-borne illness;

(7) the fragmented Federal food safety system and outdated laws preclude an integrated approach to preventing food-borne illness, to the effective and efficient operation of the Nation’s food safety program, and to the most beneficial deployment of food safety resources;

(8) the National Academy of Sciences recommended in the report “Ensuring Safe Food from Farm to Plate” that Congress establish by statute a unified and central framework for managing Federal food safety programs, and recommended modifying Federal food safety law to include inspection, enforcement, and research efforts that are based on scientifically supportable assessment of risks to public health; and

(9) the lack of a single focal point for food safety leadership in the United States undercut the ability of the United States to exert food safety leadership internationally, which is detrimental to public health and the international trade interests of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a single agency to be known as the “Food Safety Administration” to—

(A) regulate food safety and labeling to strengthen the protection of the public health;

(B) ensure that food establishments fulfill their responsibilities to produce food in a manner that protects the public health of all people in the United States;

(C) lead an integrated, system-wide approach to food safety and to make more effective and efficient use of resources to prevent food-borne illness;

(D) provide a single focal point for food safety leadership, both nationally and internationally; and

(E) provide an integrated food safety research capability, utilizing internally-generated, scientifically valid studies, in cooperation with academic institutions and other scientific entities of the Federal and State governments, to achieve the continuous improvement of research on food-borne illness and contaminants;

(2) to transfer to the Food Safety Administration the food safety, labeling, inspection, and enforcement functions that, as of the day before the effective date of this Act, are performed by other Federal agencies; and

(3) to modernize and strengthen the Federal food safety laws to achieve more effective application and efficient management of the laws for the protection and improvement of public health.

SECTION 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the Food Safety Administration designated under section 101(a)(1).

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of Food Safety appointed under section 101(a)(3).

(3) ADULTERATION.—

(A) IN GENERAL.—The term “adulteration” has the meaning described in subsections (a) through (c) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342).

(B) INCLUSION.—The term “adulterated” includes bearing or containing a contaminant that causes illness or death among sensitive populations.

(4) AGENCY.—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(5) CATEGORY 1 FOOD ESTABLISHMENT.—The term “category 1 food establishment” means a food establishment that slaughters animals.

(6) CATEGORY 2 FOOD ESTABLISHMENT.—The term “category 2 food establishment” means a food establishment that processes raw meat, poultry, seafood products, and other products that the Administrator determines by rule are at a high risk of contamination and whose processes include a step validated to destroy contaminants.

(7) CATEGORY 3 FOOD ESTABLISHMENT.—The term “category 3 food establishment” means a food establishment that processes meat, poultry, seafood products, and other products that the Administrator determines by rule to be at a high risk of contamination and whose processes include a step validated to destroy contaminants.

(8) CATEGORY 4 FOOD ESTABLISHMENT.—The term “category 4 food establishment” means a food establishment that processes food products not described in paragraphs (5) through (7).

(9) CATEGORY 5 FOOD ESTABLISHMENT.—The term “category 5 food establishment” means a food establishment that stores, holds, or transports food products prior to delivery for retail sale.

(10) CONTAMINANT.—The term “contaminant” includes a bacterium, chemical, natural or manufactured toxin, virus, parasite, prion, physical hazard, or other human pathogen that when found on or in food can cause human illness, injury, or death.

(11) CONTAMINATION.—The term “contamination” refers to a presence of a contaminant in food.

(12) FOOD.—

(A) IN GENERAL.—The term “food” means a product intended to be used for human or animal consumption.

(B) INCLUSIONS.—The term “food” includes any product (including a meat food product, as defined in section 1(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j))), capable for use as human food that is made whole or in part from any animal, including cattle, sheep, swine, or goat, or poultry (as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453)).

(C) EXCLUSION.—The term “food” does not include dietary supplements, as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(13) FOOD ESTABLISHMENT.—

(A) IN GENERAL.—The term “food establishment” means a slaughterhouse, factory, warehouse, or facility owned or operated by a person located in any State that processes food or a facility that holds, stores, transports food or food ingredients.

(B) EXCLUSIONS.—For the purposes of registration, the term “food establishment” does not include a farm, restaurant, other retail food establishment, or a nonprofit food establishment in which food is prepared for or served directly to the consumer, or fishing vessel (other than a fishing vessel engaged in processing fish that is above deck, as that term is defined in section 123.3 of title 21, Code of Federal Regulations).

(14) FOOD PRODUCTION FACILITY.—The term “food production facility” means any farm, ranch, orchard, vineyard, aquaculture facility, or confined animal-feeding operation.

(15) FOOD SAFETY LAW.—The term “food safety law” means—

(A) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), related to and requiring the safety, labeling, and inspection of food, infant formulas, food additives, pesticide residues, and other substances present in food under that Act;

(B) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of any other Act that are administered by the Center for Veterinary Medicine of the Food and Drug Administration;

(C) the Poultry Products Inspection Act (21 U.S.C. 431 et seq.);

(D) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(E) the Egg Products Inspection Act (21 U.S.C. 571 et seq.);

(F) the Sanitary Food Transportation Act of 1990 (49 U.S.C. App. 2801 et seq.);
(G) the amendments made by the Sanitary and Food Transportation Act of 2005 (subtitle B of title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act of 2005 (23 U.S.C. 301 note));

(H) the provisions of the Humane Methods of Slaughter Act of 1978 (21 U.S.C. 601 note) administered by the Food Safety and Inspection Service;

(I) the provisions of this Act; and

(J) such other provisions of law related to and requiring food safety, labeling, inspection, enforcement, or research efforts and deployment of Federal food safety resources to achieve the greatest possible benefit in reducing food-borne illness;

(K) coordination and prioritization of food safety research and education programs with other Federal agencies;

(L) prioritization of Federal food safety efforts and deployment of Federal food safety resources that prevent food-borne outbreaks with other Federal and State agencies; and

(M) integration of Federal food safety activities with State and local agencies.

SEC. 102. CONSOLIDATION OF SEPARATE FOOD SAFETY AND INSPECTION SERVICES AND AGENCIES.

(a) TRANSFER OF FUNCTIONS.—For each Federal food safety service, agency, or program, there are transferred to the Administration all functions that the head of the Federal agency exercised on the day before the effective date of this Act (including all related functions of any officer or employee of the Federal agency) that relate to administration or enforcement of the food safety law, as determined by the President.

(b) TRANSFERRED AGENCIES.—The Federal agencies referred to in subsection (a) are—

(1) the Food Safety and Inspection Service of the Department of Agriculture;

(2) the Center for Food Safety and Applied Nutrition of the Food and Drug Administration;

(3) the part of the Agriculture Marketing Service that administers shell egg surveillance services established under the Egg Products Inspection Act (21 U.S.C. 131 et seq.);

(4) the resources and facilities of the Office of Regulatory Affairs of the Food and Drug Administration that administer and conduct inspections of food establishments and imports;

(5) the resources and facilities of the Office of the Commissioner of the Food and Drug Administration; and

(c) PROCEDURE.—In making this transfer, the President shall—

(A) transfer to the Administrator the resources and facilities of the Office of Regulatory Affairs that administers shell egg surveillance services established under the Egg Products Inspection Act (21 U.S.C. 131 et seq.);

(B) transfer to the Administrator the resources and facilities of the Office of Regulatory Affairs that administer and conduct inspections of food establishments and imports;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 103. ADDITIONAL DUTIES OF THE ADMINISTRATION.

(a) OFFICERS AND EMPLOYEES.—The Administrator may—

(1) appoint officers and employees for the Administration in accordance with the provisions of title 5, United States Code, relating to appointment in the competitive service;

(2) fix the compensation of those officers and employees in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates for officers and employees of thecrosswise.

(b) EXPERTS AND CONSULTANTS.—The Administrator may—

(1) procure the services of temporary or intermittent experts and consultants as authorized by section 3109 of title 5, United States Code; and

(2) in connection with those services the travel expenses of the experts and consultants, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business of the individuals, as authorized by section 5703 of that title.

(c) BUREAUS, OFFICES, AND DIVISIONS.—The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator determines are necessary to perform the duties of the Administrator.

(d) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Administrator shall establish advisory committees that consist of representatives of scientific expert bodies, academics, industry specialists, and consumers.

(2) DUTIES.—The duties of an advisory committee established under paragraph (1) may include developing recommendations with respect to the development of new processes, research, communications, performance standards, and inspection.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM

SEC. 201. ADMINISTRATION OF NATIONAL PROGRAM.

(a) IN GENERAL.—The Administrator shall—

(1) administer a national food safety program (referred to in this section as the “program”) to protect public health; and

(2) ensure that persons who produce or process food meet their responsibility to prevent or minimize food safety hazards related to their products.

(b) COMPREHENSIVE ANALYSIS.—The program shall be based on a comprehensive analysis of the hazards associated with different food and with the processing of different food, including the identification and evaluation of—

(1) the severity of the potential health risks;

(2) the sources and specific points of potential contamination extending from the farm or ranch to the consumer that may render food unsafe;

(3) the potential for persistence, multiplication, or concentration of naturally occurring or added contaminants in food;

(4) opportunities across the food production, processing, distribution, and retail system to reduce potential health risks; and

(5) opportunities for intentional contamination.

(c) PROGRAM ELEMENTS.—In carrying out the program, the Administrator shall—

(1) adopt and implement a national system for the registration of food establishments and foreign food establishments and regular unannounced inspection of food establishments;

(2) enforce the adoption of process controls in food establishments, based on best available scientific and public health considerations and best available technologies;

(3) establish and enforce science-based standards for—

(A) substances that may contaminate food; and

(B) food safety and sanitation in the processing and handling of food;

(4) implement a statistically valid sampling program to ensure that industry programs and procedures to prevent food contamination are effective on an ongoing basis and that food meets the standards established under this Act;

(5) publish procedures and requirements to ensure the safety and security of imported food;
(6) coordinate with other agencies and State or local governments in carrying out inspection, enforcement, research, and monitoring;
(7) have access to the surveillance data of the Centers for Disease Control and Prevention, and other Federal Government agencies, in order to implement a national surveillance system to assess the health risks associated with the human consumption of food or to create surveillance data and studies;
(8) develop public education risk communication and advisory programs;
(9) implement a basic and applied research program to further the purposes of this Act; and
(10) coordinate and prioritize food safety research and educational programs with other agencies, including State or local agencies.

SEC. 202. REGISTRATION OF FOOD ESTABLISHMENTS AND FOREIGN FOOD ESTABLISHMENTS.

(a) In General.—The Administrator shall by regulation require that any food establishment or foreign food establishment engaged in processing food in the United States be registered with the Administrator.

(b) Registration Requirements.—

(1) In General.—To be registered under subsection (a),

(A) in the case of a food establishment, the owner, operator, or agent in charge of the food establishment shall submit a registration to the Administrator; and

(B) in the case of a foreign food establishment, the owner, operator, or agent in charge of the foreign food establishment shall—

(i) submit a registration to the Administrator; and

(ii) provide the name, address, and emergency contact information of the United States agent for the foreign food establishment.

(2) Registration.—A food establishment or foreign food establishment shall submit a registration under paragraph (1) to the Administrator that—

(A) identifies the name, address, and emergency contact information of each food establishment or foreign food establishment that the registrant operates under this Act and all trade names under which the registrant conducts business relating to food;

(B) purpose and business activity of each food establishment or foreign food establishment, including the dates of operation if the food establishment or foreign food establishment is seasonal;

(C) lists the types of food processed or sold at each food establishment or, for foreign food establishments selling food for consumption in the United States, identifies the specific food categories of that food as listed under section 170.3 of title 21, Code of Federal Regulations; and

(D) attests that 30 days after a change in the products, function, or legal status of the food establishment or foreign food establishment (including cessation of business activities), notifies the Administrator of the change.

(3) Procedure.—Upon receipt of a completed registration described in paragraph (1), the Administrator shall notify the registrant of the receipt of the registration, designate each establishment as a category 1, 2, 3, 4, or 5 food establishment, and assign a registration number to each food establishment and foreign food establishment.

(4) List.—The Administrator shall compile and maintain an up-to-date list of food establishments and foreign food establishments that are registered under this section. The Administrator may establish regulations by which such list may be shared with other governmental authorities.

(5) Disclosure Exemption.—The disclosure requirements under section 522 of title 5, United States Code, apply to—

(A) the list compiled under paragraph (4); and

(B) information derived from the list under paragraph (4) to the extent that it discloses the identity or location of a specific registered person.

(6) Suspension of Registration.—

(A) In General.—The Administrator may suspend the registration of a food establishment or foreign food establishment, including the facility of an importer, for violation of a food safety standard.

(B) Notice and Opportunity for Hearing.—The Administrator shall provide notice to a registrant immediately upon the suspension of the registration of the facility and provide registrant with an opportunity for a hearing within 3 days of the suspension.

(7) Reinstatement.—A registration that is suspended under this section may be reinstated pursuant to criteria published in the Federal Register by the Administrator.

SEC. 203. PREVENTIVE PROCESS CONTROLS TO PREVENT ADULTERATION OF FOOD.

(a) In General.—The Administrator shall, upon the basis of best available public health, scientific, and technological data, promulgate regulations to ensure that food establishments carry out their responsibilities to—

(1) process food in a sanitary manner so that it is free of dirt and filth;

(2) limit the presence of potentially harmful contaminants in food;

(3) implement appropriate measures of preventative process control to minimize and reduce the presence and growth of contaminants in food; and

(4) process all fully processed or ready-to-eat food in a sanitary manner, using reasonably available techniques and technologies to eliminate any potentially harmful contaminants; and

(b) Performance Standards.—

(1) In General.—The performance standards established under this section shall include—

(A) health-based standards that set the level of a contaminant that can safely and fairly be present in food;

(B) zero tolerances, including zero tolerances for fecal matter, in addition to any zero-tolerance standards in effect on the day before the date of enactment of this Act; and

(C) zero-tolerance standards for the 5 contaminants that contribute to the greatest number of illnesses or deaths associated with raw meat, poultry, and seafood not later than 3 years after the date of enactment of this Act. The Administrator shall revise such standards not less often than every 3 years.

(c) Performance Standards.—

(1) In General.—The performance standards established under this section shall include—

(A) health-based standards that set the level of a contaminant that can safely and fairly be present in food;

(B) zero tolerances, including zero tolerances for fecal matter, in addition to any zero-tolerance standards in effect on the day before the date of enactment of this Act; and

(C) zero-tolerance standards for the 5 contaminants that contribute to the greatest number of illnesses or deaths associated with raw meat, poultry, and seafood not later than 3 years after the date of enactment of this Act. The Administrator shall revise such standards not less often than every 3 years.

(2) In General.—To protect the public health, the Administrator shall by regulation and enforce performance standards that define, with respect to specific food-borne contaminants and foods, the level of food safety performance responsibility for producing, processing, or selling food shall meet.

(b) Identification of Contaminants; Performance Standards.—

(1) In General.—Not later than 6 months after the date of enactment of this Act, the Administrator shall—

(A) identify the food-borne contaminants and food that contribute significantly to the risk of food-borne illness.

(B) Performance Standards.—As soon as practical after the identification of the contaminants under paragraph (1), the Administrator shall establish appropriate performance standards to protect against all foodborne contaminants.

(C) Significant Contaminants.—The Administrator shall establish performance standards for the 5 contaminants that contribute to the greatest number of illnesses or deaths associated with raw meat, poultry, and seafood not later than 3 years after the date of enactment of this Act. The Administrator shall revise such standards not less often than every 3 years.

(d) Enforcement.—

(1) In General.—Not later than 1 year after the promulgation of a performance standard under this section, the Administrator shall implement a statistically significant sampling program to determine whether food establishments are complying with the performance standards promulgated under this section.

(2) Food Safety Oversight.—The Administrator shall, by regulation, administer this program and enforce performance standards promulgated under this section.

(e) Inspections.—If the Administrator determines that a food establishment fails to meet a standard promulgated under this section, and such establishment fails to take
appropriate corrective action as determined by the Administrator, the Administrator shall, as appropriate—
(A) detain, seize, or condemn food from the food establishment by section 209;
(B) order a recall of food from the food establishment by section 402;
(C) determine the inspection frequency for the food establishment;
(D) withdraw the mark of inspection from the food establishment, if in use; or
(E) take other appropriate enforcement action required to carry out the inspection program, including withdrawal of registration.

(e) NEWLY IDENTIFIED CONTAMINANTS.—Notwithstanding any provision of this section, the Administrator shall promulgate interim performance standards for newly identified contaminants as necessary to protect the public health, and the Administrator shall—
(1) in the case of a category 1 or 2 food establishment, the Administrator shall—
(A) the promulgation of the regulations required to implement this section;
to and copy all records maintained by or on behalf of such food establishment representative in any format (including paper or electronic) and at any location, that are necessary to determine:

(I) to determine whether the food is contaminated or not in compliance with the food safety law; or

(II) to track the food in commerce.

(b) **REQUIRED DISCLOSURE.**—A food establishment shall have an affirmative obligation to disclose to the Administrator the results of testing or sampling of food, equipment, or material in contact with food, that is positive for any contaminant.

(c) **MARKING PROHIBITED.**—The records in paragraph (1) shall be maintained for a reasonable period of time, as determined by the Administrator.

(d) **RECORDS.—**The records in paragraph (1) shall include records describing:

(A) the origin, receipt, delivery, sale, movement, holding, and disposition of food products or ingredients;

(B) the identity and quantity of ingredients used in the food;

(C) the processing of the food;

(D) the results of laboratory, sanitation, or other tests performed on the food or in the food establishment;

(E) consumer complaints concerning the food or packaging of the food;

(F) the production codes, open date codes, and locations of food production; and

(G) other information related to whether food is unsafe, adulterated or misbranded, or otherwise fails to meet the requirements of this Act.

(e) **PROTECTION OF SENSITIVE INFORMATION.**—

(I) **GENERAL.—**The Administrator shall develop and maintain procedures to prevent the unauthorized disclosure of any secret or confidential information obtained by the Administrator.

(II) **LIMITATION.—**The requirements under this subsection do not:

(A) limit the authority of the Administrator to inspect or copy records or to require the establishment or maintenance of records under this Act;

(B) have any legal effect on section 1905 of title 18, United States Code; or

(C) extend to any food recipe, financial data, personnel data, or sales data (other than shipment dates relating to sales);

(D) limit the public disclosure of distribution records or other records related to food subject to voluntary or mandatory recall under section 403;

(E) limit the authority of the Administrator to promulgate regulations to permit the sharing of data with other governmental authorities;

(F) BRIBERY OF OR GIFTS TO INSPECTOR OR OFFICER.—

(A) IN GENERAL.—The Administrator shall annually conduct a comprehensive review of each State program that provides services to or through the Administrator in the responsibilities under this Act, including mandatorily inspected records under section 205.

(B) REQUIREMENTS.—The review shall:

(i) include a determination of whether the effectiveness of the State program; and

(ii) identify any changes necessary to ensure enforcement of Federal requirements under this Act.

(f) **NO FEDERAL PREEMPTION.**—Nothing in this Act shall be construed to preempt the enforcement of State food safety laws and standards that are at least as stringent as those under this Act.

**SEC. 208. IMPORTS.**—

(a) **IN GENERAL.—**Not later than 2 years after the effective date of this Act, the Administrator shall establish a system under which a foreign government or foreign food establishment seeking to import food to the United States must submit the request for certification to the Administrator.

(b) **CERTIFICATION STANDARD.—**A foreign government or foreign food establishment shall submit a certification to the Administrator, that food produced under the standards of a foreign government or by the foreign food establishment has met standards for food safety, inspection, labeling, and other requirements that are equivalent to standards applicable to food produced in the United States.

(c) **CERTIFICATION APPROVAL.—**
(1) REQUEST BY FOREIGN GOVERNMENT.—Prior to granting the certification request of a foreign government, the Administrator shall review, audit, and certify the food safety programs and procedures of a requesting foreign government (including all statutes, regulations, and inspection authority) as at least equivalent to the food safety program in the United States, as demonstrated by the foreign government.

(2) REQUEST BY FOREIGN FOOD ESTABLISHMENT.—Prior to granting the certification request of a foreign food establishment, the Administrator shall certify, based on an on-site inspection, the food safety programs and procedures of a requesting foreign firm as at least equivalent to the food safety programs and procedures of the United States.

(3) LIMITATION.—A foreign government or foreign firm approved by the Administrator to import food to the United States under this section shall be certified to export only the approved food products to the United States for a period not to exceed 5 years.

(e) WITHDRAWAL OF CERTIFICATION.—The Administrator may withdraw certification of any food from a foreign government or foreign firm—

(1) if such food is linked to an outbreak of human illness;

(2) following an investigation by the Administrator that the foreign government programs and procedures or foreign food establishment is no longer equivalent to the food safety programs and procedures in the United States; or

(3) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

(f) RENEWAL OF CERTIFICATION.—The Administrator shall audit foreign governments and notify a foreign government of the certification within the following time frames:

(1) following an investigation by the Administrator that the food safety programs and procedures or foreign food establishment is no longer equivalent to the food safety programs and procedures in the United States; and

(2) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

(g) RENEWAL OF CERTIFICATION.—The Administrator shall audit foreign governments and notify a foreign government of the certification within the following time frames:

(1) if such food is linked to an outbreak of human illness;

(2) following an investigation by the Administrator that the foreign government programs and procedures or foreign food establishment is no longer equivalent to the food safety programs and procedures in the United States; or

(3) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

(h) ENFORCEMENT.—The Administrator is authorized—

(1) deny importation of food from any foreign government that does not permit United States officials to enter the foreign country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

(2) deny importation of food from any foreign government or foreign firm that does not consent to an investigation by the Administrator when food from that foreign country or foreign firm is linked to a foodborne illness or is otherwise found to be adulterated or mislabeled; and

(3) promulgate rules and regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of this Act.

(i) DETENTION AND SEIZURE.—Any food importation that is found to be adulterated, seized, or condemned pursuant to section 402.

SEC. 209. RESOURCE PLAN.

(a) General.—The Administrator shall prepare and update annually a resource plan describing the resources required, in the best professional judgment of the Administrator, to develop and implement the national food safety program established under this Act.

(b) CONTENTS OF PLAN.—The resource plan shall—

(1) describe quantitatively the personnel, financial, and other resources required to carry out the inspection of food establishments under section 205 and other requirements of the national food safety program;

(2) allocate inspection resources in a manner reflective of risk and opportunities to reduce risk across the food supply to the extent feasible based on the best available information, and subject to section 305;

(3) describe the personnel, facilities, equipment, and other resources needed to carry out inspection and other oversight activities, including at least 50 percent of the resources required to carry out inspections in food establishments under section 205—

(A) in foreign establishments;

(B) at the point of production; and

(C) at the point of production on farms, ranches, and feedlots.

(d) GRANTS.—The resource plan shall include recommendations for funding to provide grants to States and local governments to carry out activities in retail food and food service facilities and the required inspections in food establishments.

(f) RENEWAL OF CERTIFICATION.—The Administrator shall submit annually to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and other relevant committees of Congress, the resource plan required under this section.

SEC. 210. TRACEBACK.

(a) IN GENERAL.—The Administrator, in order to protect the public health, shall establish requirements for a national system for tracing food and food producing animals from point of origin to retail sale, subject to subsection (b).

(b) APPLICABILITY.—Traceability requirements shall—

(1) be established in accordance with regulations and guidelines issued by the Administrator; and

(2) apply to food production facilities and food establishments.

(c) RELATIONSHIP TO COUNTRY OF ORIGIN LABELING.—Nothing contained in this section prevents the implementation of requirements of the United States of America Act of 1990 (7 U.S.C. 1658 et seq.) that are consistent with the food safety labeling requirements of the United States of America Act of 1990 (7 U.S.C. 1658 et seq.).

SEC. 201. PUBLIC HEALTH ASSESSMENT SYSTEM.

(a) IN GENERAL.—The Administrator, acting in coordination with the Director of the Centers for Disease Control and Prevention and with the Research Education and Economics mission area of the Department of Agriculture, shall—

(1) have access to the applicable data systems of the Centers for Disease Control and Prevention and to the databases made available by a State;

(2) maintain an active surveillance system of food, food products, and epidemiological evidence submitted by States to the Centers for Disease Control and Prevention based on a representative proportion of the population of the United States;

(3) assess the frequency and sources of human illness in the United States associated with the consumption of food; and

(4) maintain a state-of-the-art DNA matching system and epidemiological system dedicated to food-borne illnesses identification, outbreak detection, and traceback.

(b) REQUIREMENTS.—The program shall—

(1) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Administrator shall establish guidelines for a sampling system under which the Administrator shall take and analyze samples of food—

(A) to assist the Administrator in carrying out this Act; and

(B) to assess the nature, frequency of occurrence, and quantities of contaminants in food.

(c) REQUIREMENTS.—The sampling system described in paragraph (1) shall provide—

(A) statistically valid monitoring, including market-based studies, on the nature, frequency of occurrence, and quantities of contaminants in food available to consumers; and

(B) at the request of the Administrator, sufficient information, including analysis of monitoring and verification samples, as the Administrator determines may be useful in assessing the occurrence of contaminants in food.

(d) ASSESSMENT OF HEALTH HAZARDS.—

(1) IN GENERAL.—Through the surveillance system referred to in subsection (a) and the sampling system described in subsection (b), the Administrator shall—

(A) rank food categories based on the hazard to human health presented by the food category;

(B) identify appropriate industry and regulatory approaches to minimize hazards in the food supply; and

(C) assess the public health environment for emerging diseases, including zoonotics, for their risk of appearance in the United States food supply.

(2) COMPONENTS OF ANALYSIS.—The analysis under subsection (b)(1) may include—

(A) a comparison of the safety of commercial processing with the health hazards associated with fresh foods that are harvested for recreational or subsistence purposes and prepared noncommercially;

(B) a comparison of the safety of food that is domestically processed with the health hazards associated with food that is processed outside the United States;

(C) a description of contamination originating from handling practices that occur prior to or after the sale of food to consumers; and

(D) use of comparative risk assessments.

SEC. 302. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—

(1) IN GENERAL.—The Administrator, in cooperation with private and public organizations, including the cooperative extension services and building on the efforts of appropriate State and local entities, shall establish a national public education program on food safety.

(2) REQUIREMENTS.—The program shall provide—

(A) information to the public regarding Federal standards and best practices and promotion of public awareness, understanding, and acceptance of those standards and practices;

(B) information for health professionals—

(i) to improve diagnosis and treatment of food-related illnesses; and

(ii) to advise individuals at special risk for food-related illnesses; and

(C) such other information or advice to consumers and other persons as the Administrator determines will promote the purposes of this Act.

(b) HEALTH ADVISORY PANEL.—The Administrator, in consultation with other Federal departments and agencies as the Administrator determines necessary, shall work with the States and other appropriate entities—

(1) to develop and distribute regional and national advisories concerning food safety; and

(2) to develop standardized formats for written and broadcast advisories;
(3) to incorporate State and local advisories into the national public education program established under subsection (a); and
(4) to present prompt, specific information regarding foods found to pose a threat to the public health.

SEC. 303. RESEARCH.

(a) IN GENERAL.—The Administrator shall conduct research to carry out this Act, including studies to—
(1) improve sanitation and food safety practices in the processing of food;
(2) develop improved techniques to monitor and inspect food;
(3) develop efficient, rapid, and sensitive methods to detect contaminants in food;
(4) determine the sources of contamination of contaminated food;
(5) develop food consumption data;
(6) identify ways that animal production techniques could improve the safety of the food supply;
(7) draw upon research and educational programs that exist at the State and local level; and
(8) utilize the DNA matching system and other processes to identify and control pathogens.

(b) CONTRACT AUTHORITY.—The Administrator may enter into contracts and agreements with any State, university, Federal Government agency, or person to carry out this section.

TITLE IV—ENFORCEMENT

SEC. 401. PROHIBITED ACTS.

It is prohibited—
(1) to manufacture, introduce, deliver for introduction, or receive into interstate commerce any food that is adulterated, misbranded, or otherwise unsafe;
(2) to adulterate or misbrand any food in interstate commerce;
(3) for a food establishment or foreign food establishment to fail to register under section 202, or to operate without a valid registration; and
(4) to refuse to permit access to a food establishment for the inspection and copying of a record as required under section 205(h); (5) to fail to establish or maintain any record or to make any report as required under section 205(h);
(6) to refuse to permit entry to or inspection of a food establishment as required under section 205;
(7) to fail to provide to the Administrator the results of a testing or sampling of a food, equipment, or food in contact with contaminated food under section 205(i);
(8) to fail to comply with a provision, regulation, or order of the Administrator under section 202, 203, 204, or 208;
(9) to slaughter an animal that is capable for use in whole or in part as human food at a food establishment at which any such food is slaughtered, except in compliance with the food safety law;
(10) to transfer food in violation of an administrative detention order under section 302 or to remove or alter a required mark or label identifying the food as detained; and
(11) to fail to comply with a recall or other order in conjunction with the Administrator;
(12) to otherwise violate the food safety law.

SEC. 402. FOOD DETENTION, SEIZURE, AND CONDEMNATION.

(a) ADMINISTRATIVE DETENTION OF FOOD.—

(1) EXPANDED AUTHORITY.—The Administrator may—
(A) institute a seizure action on an expedited basis with respect to perishable food; (B) institute a seizure action on an expedited basis with respect to perishable food;
(C) institute a seizure action on an expedited basis with respect to perishable food;
(D) institute a seizure action on an expedited basis with respect to perishable food;
(E) institute a seizure action on an expedited basis with respect to perishable food;
(F) institute a seizure action on an expedited basis with respect to perishable food;
(G) institute a seizure action on an expedited basis with respect to perishable food;
(H) institute a seizure action on an expedited basis with respect to perishable food;
(I) institute a seizure action on an expedited basis with respect to perishable food;
(J) institute a seizure action on an expedited basis with respect to perishable food;
(K) institute a seizure action on an expedited basis with respect to perishable food;
(L) institute a seizure action on an expedited basis with respect to perishable food;
(M) institute a seizure action on an expedited basis with respect to perishable food;
(N) institute a seizure action on an expedited basis with respect to perishable food;
(O) institute a seizure action on an expedited basis with respect to perishable food;
(P) institute a seizure action on an expedited basis with respect to perishable food;
(Q) institute a seizure action on an expedited basis with respect to perishable food;
(R) institute a seizure action on an expedited basis with respect to perishable food;
(S) institute a seizure action on an expedited basis with respect to perishable food;
(T) institute a seizure action on an expedited basis with respect to perishable food;
(U) institute a seizure action on an expedited basis with respect to perishable food;
(V) institute a seizure action on an expedited basis with respect to perishable food;
(W) institute a seizure action on an expedited basis with respect to perishable food;
(X) institute a seizure action on an expedited basis with respect to perishable food;
(Y) institute a seizure action on an expedited basis with respect to perishable food;
(Z) institute a seizure action on an expedited basis with respect to perishable food;
(a) institute a seizure action on an expedited basis with respect to perishable food;
(b) institute a seizure action on an expedited basis with respect to perishable food;
(c) institute a seizure action on an expedited basis with respect to perishable food;
(d) institute a seizure action on an expedited basis with respect to perishable food;
(e) institute a seizure action on an expedited basis with respect to perishable food;
(f) institute a seizure action on an expedited basis with respect to perishable food;
(g) institute a seizure action on an expedited basis with respect to perishable food;
(h) institute a seizure action on an expedited basis with respect to perishable food;
(i) institute a seizure action on an expedited basis with respect to perishable food;
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(u) institute a seizure action on an expedited basis with respect to perishable food;
(v) institute a seizure action on an expedited basis with respect to perishable food;
(w) institute a seizure action on an expedited basis with respect to perishable food;
(x) institute a seizure action on an expedited basis with respect to perishable food;
(y) institute a seizure action on an expedited basis with respect to perishable food;
(z) institute a seizure action on an expedited basis with respect to perishable food;
(aa) institute a seizure action on an expedited basis with respect to perishable food;
(bb) institute a seizure action on an expedited basis with respect to perishable food;
(cc) institute a seizure action on an expedited basis with respect to perishable food;
(dd) institute a seizure action on an expedited basis with respect to perishable food;
(2) EFFECT OF INSTITUTING COURT ACTION.—If the Administrator institutes an action under section 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) or section 304(a) of that Act (21 U.S.C. 334), the process for the appeal of the detention order shall terminate.
(b) CONDEMNATION OF FOOD.—

(1) IN GENERAL.—After confirming a detention order, the Administrator may order the food condemned.
(2) DISTRIBUTION OF FOOD.—Any food condemned shall be destroyed under the supervision of the Administrator.
(1) to consumers to whom the food was, or may have been, distributed; and
(ii) to State and local public health officials; or
(E) make any combination of the measures described in this paragraph, as determined by the Administrator to be appropriate in the circumstances.
(2) Copy of Actions.—If a person referred to in paragraph (1) refuses to or does not adequately carry out the actions described in that paragraph within the time period as prescribed by the Administrator, the Administrator shall—
(A) have authority to control and possess the food, including ordering the shipment of the food from the food establishment to the Administrator—
(i) at the expense of the food establishment; or
(ii) in an emergency (as determined by the Administrator), at the expense of the Administrator; and
(B) by order, require, as the Administrator determines to be necessary, the person to immediately—
(i) cease distribution of the food; and
(ii) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.
(3) Not Distribution to Consumers by Administrator.—The Administrator shall, as the Administrator determines to be necessary, provide notice of the finding of the Administrator under paragraph (1)—
(A) to consumers to whom the food was, or may have been, distributed; and
(B) to State and local public health officials.
(4) Nondistribution by Notified Persons.—A person that processes, distributes, or otherwise handles the food, to which the food has been distributed, transported, or sold, and that is notified under paragraph (1)(B) or (2)(B) shall immediately cease distribution of the food.
(5) Availability of Records to Administrator.—Each person referred to in paragraph (1) that processed, distributed, or otherwise handled the food, in response to the information necessary to carry out this subsection, as determined by the Administrator, regarding—
(A) persons that processed, distributed, or otherwise handled the food; and
(B) persons to which the food has been transported, sold, distributed, or otherwise handled.
(c) Informal Hearings on Orders.—
(1) In General.—The Administrator shall provide any person subject to an order under subsection (a) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.
(2) Hearing.—In an informal hearing under paragraph (1), the Administrator shall consider the actions required by the order and any reasons why the food is the subject of the order should not be recalled.
(d) Post-Hearing Recall Orders.—
(1) Amendment of Order.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that there is a reasonable probability that the food that is the subject of an order under subsection (b), if consumed, would be injurious to the public health, the Administrator, as the Administrator determines to be necessary, may—
(A) amend the order to require recall of the food or other appropriate action; or
(B) specify a timetable in which the recall shall occur;
(2) require periodic reports to the Administrator describing the progress of the recall; and
(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.
(2) Vacations of Orders.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that adequate grounds do not exist to continue the actions required by the order, the Administrator shall vacate the order.
(e) Remedies Not Exclusive.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 404. INJUNCTION PROCEEDINGS.

(a) Jurisdiction.—The district courts of the United States, and the United States courts of the territories and possessions of the United States, shall have jurisdiction, for cause shown, to restrain a violation of section 202, 203, 204, 207, or 401 (or a regulation promulgated under that section).
(b) Trial.—In a case in which violation of an injunction or restraining order issued under this section also constitutes a violation of Federal food safety law, trial shall be by the court or, upon demand of the accused, by a jury.

SEC. 405. CIVIL AND CRIMINAL PENALTIES.

(a) Civil Sanctions.—
(1) In General.—Any person that commits an act that violates the food safety law (including a regulation promulgated or order issued under a Federal food safety law) may be assessed a civil penalty by the Administrator of not more than $10,000 for each such act.
(2) Separate Offense.—Each act described in subparagraph (A) and each day during which that act continues shall be considered a separate offense.
(a) Written Order.—The civil penalty described in paragraph (1) shall be assessed by the Administrator by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (A).
(b) Amount Subject to Paragraph (1).—The amount of the civil penalty shall be determined by the Administrator, after considering—
(A) the gravity of the violation;
(B) the degree of culpability of the person;
(C) the size and type of the business of the person; and
(D) any history of prior offenses by the person under the food safety law.
(a) Review of Order.—The order may be reviewed only in accordance with subsection (c).
(b) Criminal Sanctions.—
(1) In General.—Except as provided in paragraphs (2) and (3), a person that knowingly produces or introduces into commerce food that is unsafe or otherwise adulterated or misbranded shall be imprisoned for not more than 1 year or fined not more than $10,000, or both.
(2) Severe Violations.—A person that commits a violation described in paragraph (1) after a conviction of that person under this section has become final, or commits such a violation with the intent to defraud or mislead, shall be imprisoned for not more than 3 years or fined not more than $100,000, or both.
(c) Exception.—No person shall be subject to the penalties of this subsection—
(A) for having received, proffered, or delivered in interstate commerce the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Administrator)—
(i) the name, address and contact information of the person from whom that person purchased or received the food; and
(ii) copies of all documents pertaining to the delivery of the food to that person; or
(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.
(d) Judicial Review.—
(1) In General.—An order assessing a civil penalty under subsection (a) shall be a final order unless the person—
(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and
(B) simultaneously serves a copy of the petition by certified mail to the Administrator.
(2) Filing of Record.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Administrator shall file in the court a certified copy of the administrative record upon which the order was issued.
(e) Standard of Review.—The findings of the Administrator relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

(d) Collection Actions for Failure To Pay.—
(1) In General.—If any person fails to pay a civil penalty assessed under subsection (a) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (b) has entered final judgment in favor of the Administrator, the Administrator may refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

(2) Limitation on Review.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Administrator assessing the civil penalty shall not be subject to judicial review.
(e) Penalties Paid Into Account.—The Administrator—
(1) shall deposit penalties collected under this section in an account in the Treasury; and
(2) may use the funds in the account, without further appropriation or fiscal year limitation, to—
(A) carry out enforcement activities under food safety law; or
(B) to provide assistance to States to inspect retail commerce food establishments or other food or firms under the jurisdiction of State food safety programs.
(f) Discretion of the Administrator toProsecute.—Nothing in this Act requires the Administrator to report for prosecution, or for the commencement of an action, the violation of the food safety law in a case in which the Administrator determines that the public interest will be adequately served by the assessment of a civil penalty under this section.
(g) Remedies Not Exclusive.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.
SEC. 407. WHISTLEBLOWER PROTECTION.

(a) In General.—No Federal employee, employee of a contractor or subcontractor, or any individual employed by a company (referred to in this section as a “covered individual”), may be discharged, demoted, or otherwise retaliated against or discriminated against because of any lawful act done by the covered individual to—

(1) provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct that the covered individual reasonably believes constitutes a violation of any law, rule, or regulation, or that the covered individual reasonably believes constitutes a threat to the public health, when the information or assistance is provided to, or the investigation is conducted by—

(A) a Federal regulatory or law enforcement agency;

(B) a Member or committee of Congress; or

(C) a person with supervisory authority over the covered individual (or such other individual authorized to investigate, discover, or terminate misconduct);

(2) file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or activity that is or will be filed or conducted with respect to any violation of any law, rule, or regulation, or that is otherwise conducted by—

(A) the Secretary of Labor, the Attorney General in administering and enforcing the provisions of the food safety law and to the rights and duties of persons with respect to whom the powers are exercised, respectively;

(B) the Administrator to ensure the safety of food; and

(C) the Attorney General in administering and enforcing the provisions of the food safety law and to the rights and duties of persons with respect to whom the powers are exercised, respectively.

(b) INQUIRIES AND ACTIONS.—

(1) In General.—The Administrator, in person or by an authorized representative, may conduct an inquiry to determine whether any violation of the food safety law has occurred.

(2) REMEDIES.—The Administrator may, in the Administrator’s discretion, take appropriate action to prevent the recur-rence of any violation of the food safety law and to the rights and duties of persons with respect to whom the powers are exercised, respectively.

(c) SPECIFICATION OF THE PROPOSED ACTION.—

(1) IN GENERAL.—A covered individual who suffers a violation of any law, rule, or regulation or the provisions of the food safety law in any other manner discriminated against, or for the discrimination; or

(2) REMEDIES.—The court may award damages, in the amount of any back pay, with interest of justice, award the plaintiff the costs of suit, including reasonable attorney’s fees, reasonable expert witness fees, and penalties.

(d) RIGHTS RETAINED BY THE COVERED INDIVIDUAL.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any covered individual under any Federal, State, or local law, rule, or regulation.

SEC. 408. ADMINISTRATION AND ENFORCEMENT.

(a) In General.—For the efficient administration and enforcement of the food safety law, the Administrator shall be governed under the rules and provisions (including provisions relating to penalties) of sections 6, 9, 10, and 11 of the Federal Trade Commission Act (15 U.S.C. 45, 48, 49, and 50) (except subsections (c) through (j) of section 14 of that Act), relating to the jurisdiction, powers, and duties of the Federal Trade Commission and the Attorney General to administer and enforce that Act, and the rights and duties of persons with respect to whom the powers are exercised, shall apply to the jurisdiction, powers, and duties of the Administrator and the Attorney General in administering and enforcing the provisions of the food safety law and to the rights and duties of persons with respect to whom the powers are exercised, respectively.

(b) REMEDIES.—The court may award damages, in the amount of any back pay, with interest of justice, award the plaintiff the costs of suit, including reasonable attorney’s fees, reasonable expert witness fees, and penalties.

(c) SPECIFICATION OF THE PROPOSED ACTION.—

(1) IN GENERAL.—A covered individual who suffers a violation of any law, rule, or regulation or the provisions of the food safety law in any other manner discriminated against, or for the discrimination; or

(2) REMEDIES.—The court may award damages, in the amount of any back pay, with interest of justice, award the plaintiff the costs of suit, including reasonable attorney’s fees, reasonable expert witness fees, and penalties.

(d) RIGHTS RETAINED BY THE COVERED INDIVIDUAL.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any covered individual under any Federal, State, or local law, rule, or regulation.

SEC. 409. CITIZEN CIVIL ACTIONS.

(a) CIVIL ACTIONS.—A person may commence a civil action against—

(1) a person who violates a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator to ensure the safety of food; or

(2) the Administrator (in his or her capacity as the Administrator), if the Administrator fails to perform an act or duty to ensure the safety of food that is not discretionary under the food safety law.

(b) COURTS.—(1) In General.—The action shall be commenced in the United States district court for the district in which the defendant resides.

(2) JURISDICTION.—The court shall have jurisdiction, without regard to the amount in controversy, or the citizenship of the parties, to enjoin a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator, or to order the Administrator to perform the act or duty.

(c) DAMAGES.—The court may—

(1) award damages, in the amount of damages actually sustained; and

(2) if the court determines it to be in the interest of justice, award the plaintiff the costs of suit, including reasonable attorney’s fees, reasonable expert witness fees, and penalties.

(d) REMEDIES NOT EXCLUSIVE.—The remedies provided in paragraph (1) shall be in addition to, and not exclusive of, other remedies that may be provided by law, including litigation costs, expert witness fees, and reasonable attorney’s fees.

(E) RIGHTS OF THE COVERED INDIVIDUAL.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any covered individual under any Federal, State, or local law, rule, or regulation.

Title V—Implementation

SEC. 501. DEFINITION.

For purposes of this title, the term “transition period” means the 12-month period beginning on the effective date of this Act.

SEC. 502. REORGANIZATION PLAN.

(a) Submission of Plan.—Not later than 180 days after the effective date of this Act, the President shall submit to the appropriate congressional committees a reorganization plan regarding the following:

(1) The transfer of agencies, personnel, assets, or functions from the Administrator to the Administration pursuant to this Act.

(2) Any consolidation, reorganization, or streamlining of agencies transferred to the Administration pursuant to this Act.

(b) PLAN ELEMENTS.—The plan submitted under subsection (a) shall contain, consistent with this Act, such elements as the President determines appropriate, including the following:

(1) Identification of any functions of agencies designated to be transferred to the Administration pursuant to this Act, and to the rights and duties of persons with respect to whom the powers are exercised, respectively.

(2) The transfer of funds to account for the functions transferred under this Act.

(3) Specification of any funds available to each agency that will be transferred to the Administration as a result of transfers under this Act.

(4) Specification of any proposed allocation of property, facilities, contracts, records, and other assets and obligations of agencies transferred under this Act.

(5) Specification of the proposed allocation of the functions of the agencies and subdivisions that are not related directly to ensuring the safety of food.

(c) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify, or revise any part of the plan until that part of the plan becomes effective in accordance with subsection (d).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (c), shall become effective for an agency on the earlier of

(A) the date specified in the plan (or the plan as modified pursuant to subsection (c)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a); or

(B) the end of the transition period.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

Title VI—Transition

SEC. 503. TRANSITIONAL AUTHORITIES.

(a) Provision of Assistance by Officials.—Until the transfer of an agency to the Administration, any official having authority over or furnishing advice or assistance to such agency immediately before the effective date of this Act shall provide the Administrator such assistance, including the use of personnel and assets, as the Administrator may request in preparing for the transfer and integration of the agency to the Administration.

(b) Services and Personnel.—During the transition period, upon the request of the Administrator, the head of any executive...
agency may, on a reimbursable basis, provide services or detail personnel to assist with the transition.

c) Acting Officials.—During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this Act to be appointed and with such advice and consent the President may designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer immediately before the effective date of this Act (and who continues to be in office) or immediately before such designation, to act in an office until the same is filled as provided in this Act.

d) Compensation.—While acting pursuant to paragraph (1), such officers shall receive compensation at the higher of—

(A) the rates provided by this Act for the respective offices in which they act; or

(B) the rates provided for the offices held at the time of designation.

e) Limitation.—Nothing in this Act shall be construed to require the advice and consent of the Senate to the appointment by the President to an office in the administration of any officer whose appointment is transferred to the Administration pursuant to this Act and whose duties following such transfer are germane to those performed before such transfer.

(f) Transfer of Personnel, Assets, Obligations, and Functions.—

(1) In general.—Consistent with section 5131 of title 31, United States Code, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds that relate to the functions transferred under subsection (a) from a Federal agency shall be transferred to the Administration.

(2) Unexpended funds.—Unexpended funds transferred under this subsection shall be used by the Administration only for the purposes for which the funds were originally authorized and appropriated.

SEC. 504. SAVINGS PROVISIONS.

(a) Completed Administrative Actions.—The enactment of this Act or the transfer of functions under this Act shall not affect any order, determination, rule, regulation, permit, personnel action, agreement, grant, contract, contract support, freeze, privilege, or other administrative action issued, made, granted, or otherwise in effect or final with respect to that agency on the effective date of this Act or the transfer of an agency to the Administration.

(b) Documents and Records.—The documents and records of the Federal agency shall be transferred by the agency that transfers its functions to the Administration and shall be deemed as having been disposed of in the manner as though the documents and records were transferred under this Act at the end of the effective date of this Act.

(c) References.—(1) In general.—After the transfer of functions from a Federal agency under this Act, any reference in any other Federal law, executive order, rule, regulation, directive, document, or other material to that Federal agency or the head of that agency in connection with the administration or enforcement of the food safety laws shall be deemed to be a reference to the Administration or the Administrator, respectively.

(2) Statutory Reporting Requirements.—Statutory reporting requirements that applied before the transfer of such an agency immediately before the effective date of this Act shall continue to apply following such transfer if they refer to the agency by name.

SEC. 505. CONFORMING AMENDMENTS.

(a) Executive Schedule.—Section 5313 of title 5, United States Code, is amended by inserting at the end the following new item:

(1) Administrator of Food Safety.


SEC. 506. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) Completed Administrative Actions.—Not later than 60 days after the submission of the reorganization plan under section 502, the President shall prepare and submit proposed legislation to Congress containing necessary and appropriate modifications to the Acts listed in section 3(15) of this Act to reflect the changes made by this Act.

SEC. 507. REGULATIONS.

The Administrator may promulgate such regulations as the Administrator determines are necessary or appropriate to perform the duties of the Administration.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 509. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

For the fiscal year that includes the effective date of this Act, the amount authorized to be appropriated for carry out this Act shall not exceed—

(1) the amount appropriated for that fiscal year for the Federal agencies identified in section 102(b) for the purpose of administering or enforcing the food safety laws; or

(2) the amount appropriated for those agencies for that purpose for the preceding fiscal year if, as of the effective date of this Act, appropriations for those agencies for the fiscal year that includes the effective date have not yet been made.

SEC. 510. EFFECTIVE DATE.

This Act takes effect on the date of enactment of this Act, any civil action commenced with regard to that agency pending before that agency on the day before the transfer date with respect to the transferred functions shall continue notwithstanding the enactment of this Act or the transfer of an agency to the Administration.

REFERENCES.—

(a) In General.—After the transfer of functions from a Federal agency under this Act, any reference in any other Federal law, executive order, rule, regulation, directive, document, or other material to that Federal agency or the head of that agency in connection with the administration or enforcement of the food safety laws shall be deemed to be a reference to the Administration or the Administrator, respectively.

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(b) Statutory Reporting Requirements.—Statutory reporting requirements that applied before the transfer of such an agency immediately before the effective date of this Act shall continue to apply following such transfer if they refer to the agency by name.
war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas at the outset of the new Administration, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne’s “Silver Wings of Courage”, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troopers; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2007 as the 67th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2007 as “National Airborne Day”; and

(2) calls on the people of the United States to observe “National Airborne Day” with appropriate programs, ceremonies, and activities.


Mr. BROWNBACK (for himself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on the Judiciary.

Whereas, at the age of 21, William Wilberforce was elected to the House of Commons of Great Britain;

Whereas Mr. Wilberforce and his colleagues actively engaged in many initiatives with the sole purpose of reforming British culture at the turn of the 19th century in order to bring about positive social change;

Whereas Mr. Wilberforce advocated prison reform that equally respected justice and human dignity, and encouraged reconciliation;

Whereas Mr. Wilberforce sought to improve the conditions for, and minimize the use of, child laborers;

Whereas Mr. Wilberforce dedicated his life to ending the British slave trade and the abolition of slavery despite forceful opposition;

Whereas Mr. Wilberforce was mentored by former slave trader and author of the hymn “Amazing Grace,” John Newton, on the horrors and inhumanity of the slave trade;

Whereas approximately 11,000,000 human beings were captured and taken from Africa to the Western Hemisphere to be sold as commodities and forced into slavery and bondage;

Whereas Mr. Wilberforce fought for 20 years in the House of Commons to pass legislation banning the slave trade;

Whereas, on February 23, 1857, Parliament passed a bill banning the slave trade in the British Empire as a direct result of the efforts of Mr. Wilberforce;

Whereas Mr. Wilberforce was inspired and encouraged those who opposed slavery in the United States, including political leaders like John Quincy Adams, and spread a message of hope and freedom throughout the United States;

Whereas Mr. Wilberforce labored for 46 years to abolish the institution of slavery in the British Empire, ceaselessly defending those without a voice in society;

Whereas, in 1833, Mr. Wilberforce was informed on his death bed that the House of Commons had voted to abolish slavery altogether;

Whereas section 102(a) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101(a)) states that human trafficking is “a contemporary manifestation of slavery whose victims are predominantly women and children”;

Whereas the practice of human slavery continues to pollute our world and assaults human dignity and freedom;

Whereas, in 2006, the United States Department of State estimated that between 600,000 and 800,000 men, women, and children were trafficked across international borders for use as bonded laborers or sex slaves, or for other nefarious purposes;

Whereas the International Labour Organization estimates that there are more than 20,000,000 people in forced labor, bonded labor, forced child labor, and sexual servitude around the world, a number that is greater than the number of slaves that existed at the time of the American Civil War;

Whereas all people must continue to fight, as Mr. Wilberforce fought, for the true abolition of slavery and for respect for human dignity in all aspects of society; and

Whereas the people of the United States should carry on the legacy of William Wilberforce by working to end the modern slave trade, human trafficking, and the degradation of human dignity: Now, therefore, be it

Resolved, That the Senate—

(1) observes February 23, 2007, as the 200th anniversary of the ban of the slave trade in the British Empire;

(2) recognizes the positive impact William Wilberforce had on renewing the culture of his day and ending the inhumane practice of human slavery;

(3) commends to the people of the United States the example of William Wilberforce and his commitment to the values of inherent human dignity and freedom, which reside in each and every human being;

(4) encourages the people of the United States to—

(A) observe the 200th anniversary of the ban of the slave trade in the British Empire;

(B) reflect on William Wilberforce’s selfless dedication to the fight against slavery and his commitment to the neediest in society; and

(C) commit themselves to recognize the value of human life and human dignity; and

(5) unequivocally condemns all forms of human trafficking and slavery, which are an assault on human dignity that William Wilberforce would steadfastly resist.

SENATE CONCURRENT RESOLUTION 12—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR AND TO CELEBRATE AND HONOR THE RECIPIENTS OF THE MEDAL OF HONOR ON THE ANNIVERSARY OF THE FIRST AWARD OF THAT MEDAL IN 1863

Mr. AKAKA (for himself, Mr. CRAIG, Mr. AKIN, Mr. SMITH, Mr. DORGAN, Mr. WEBB, Mr. BROWN, Mr. BINGAMAN, Mr. CRAPO, Mr. WARNER, Mr. ENSIGN, Mr. MCCAIN, Mr. SALAZAR, and Ms. SNOWE) submitted the following concurrent resolution; which was considered and agreed to:

Title

Whereas the Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed to a member of the Armed Forces, is awarded by the President in the name of Congress, to individuals who have distinguished themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty;

Whereas the United States will forever be in debt to the recipients of the Medal of Honor for their bravery and sacrifice in times of war or armed conflict;

Whereas the first Medal of Honor awards were presented to 6 men on March 25, 1863, by the Secretary of War;

Whereas only 3,443 individuals out of the millions of men and women who have served the United States in war, military operations, or other armed conflicts have been awarded the Medal of Honor;

Whereas there are 111 living recipients of the Medal of Honor, as of January 1, 2007;

Resolved, That the Senate—

(1) recognizes the Medal of Honor award as the highest military award that a member of the Armed Forces may receive or deny;

(2) salutes the Medal of Honor recipients for the example of courage and dedication that they have set for all Americans;

(3) dedicates itself to continuing the tradition of the Medal of Honor by recognizing the achievements of its recipients;

(4) recognizes the personal sacrifices that the recipients of the Medal of Honor have made in the service of their country; and

(5) encourages and supports the families of recipients of the Medal of Honor;

Now, therefore be it

Resolved, That the Senate—

(1) encourages the people of the United States to continue to recognize the Medal of Honor and its recipients;

(2) encourages the United States to honor the recipients of the Medal of Honor in an appropriate manner; and

(3) encourages all Americans to continue to salute the recipients of the Medal of Honor for their courage and dedication.

Whereas the International Labour Organization estimates that there are more than...
Whereas it is appropriate to commemorate and honor the recipients of the Medal of Honor and what they represent; 
Whereas the people of the United States should always be aware of the significance and meaning of the Medal of Honor; 
Whereas the designation of a National Medal of Honor Day would focus the efforts of national, local, and community organizations striving to foster public appreciation and recognition of Medal of Honor recipients; and 
Whereas March 25, 2007, would be an appropriate day to commemorate the recipients of the National Medal of Honor Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the heroism and sacrifice of Medal of Honor recipients; 
(2) recognizes the educational opportunity that a National Medal of Honor Day would present to the people of the United States; and 
(3) supports the goals and ideals of a National Medal of Honor Day to celebrate and honor the contributions of Medal of Honor recipients.

SENATE CONCURRENT RESOLUTION 13—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD NOT INITIATE MILITARY ACTION AGAINST IRAN WITHOUT FIRST OBTAINING AUTHORIZATION FROM CONGRESS

Mr. SANDERS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 13

Whereas article I, section 8 of the United States Constitution grants Congress the power to “declare war”, to “lay and collect taxes”, to “provide for the common defence and general welfare of the United States”, to “raise and support armies”, and “all which, by the constitution under the authority of Congress, except to allow the President to authorize military action against Iran without first obtaining authorization from Congress.” It sets forth the constitutional grant of authority to Congress for declaring war and funding any war, which cites Federalist paper numbers on the intention of the drafters of the Constitution, and which cites Presidents Washington and Jefferson on the power reserved to Congress to authorize war. The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress, that neither of the existing authorizations to use military force in Iran gives him such authority and that the President must seek congressional authority prior to taking any military action against Iran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 266. Mr. REID (for Mr. Levin for himself, Mr. Bond, Mr. Dorgan, Mr. Graham, Mr. Durbin, Ms. Mikulski, Mr. Cardin, Mr. Brown, Mr. Pryor, Mr. Isakson, and Mr. Kennedy) proposed an amendment to the bill S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donation and organ sharing programs do not require authorization from Congress.
Mr. ISAKSON, and Mr. KENNEDY) proposed an amendment to the bill S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Living Kidney Organ Donation Clarification Act of 2007.”

SEC. 2. AMENDMENT TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)) is amended by adding at the end the following: “For purposes of this section, kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration.”

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SA 267. Mr. REID (for Mr. SALAZAR) proposed an amendment to the bill S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act of 1982, to revise the short title of the Community Self-Determination Act of 2000, to authorize the Service to establish a National Historic Preservation Commission to identify and record historic sites and to authorize the Service to establish a National Historic Preservation Commission to identify and record historic sites, and for other purposes.

By unanimous consent, Mr. LEAHY asked that all amendments be printed in the Record.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m., in open and closed sessions to receive testimony on the current and future readiness of the Army and Marine Corps.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the Administration’s proposal to reauthorize the Federal Aviation Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the President’s proposed budget for FY 2008 for the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 15, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on S. 164, tax incentives for charitable gifts, and S. 309, the Hispanic Education Act of 2007, and other matters.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 15, 2007, at 9:15 a.m., to hold a nomination hearing.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, February 15, 2007, at 9 a.m., for a business meeting to consider pending committee business.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 15, 2007, at 9:30 a.m., in room 435 of the Russell Senate Office Building to conduct a hearing on the President’s fiscal year 2008 budget request for tribal programs.

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

COMMITTEE ON JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 15, 2007, at 10 a.m. in room S. 216 of the Capitol Building.

I. NOMINATIONS

Beryl Howell, to be a Member of the United States Sentencing Commission.
II. Bills


S. 236, the Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Akaka, Kennedy.

S. 378, the Court Security Improvement Act of 2007, Leahy, Specter, Durbin, Emery, Kennedy, Hatch.

S. 442, the John R. Justice Prosecutors and Defenders Incentive Act of 2007, Durbin.

III. Resolutions

S. Res. 41, honoring the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers, Brown, Voinovich.

S. Res. 47, honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers, Dodd.

S. Res. 49, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State, Stevens, Murkowski.

S. Res. 53, congratulating Illinois State University as it marks its sesquicentennial, Durbin, Obama.

S. Res. 69, a resolution recognizing the African-American spiritual as a national treasure, Menendez.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 15, 2007, at 2:30 p.m. to hold a closed hearing.

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

SPECIAL COMMITTEE ON AGING

Mr. LEAHY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, February 15, 2007, from 10 a.m. to noon in Dirksen 562 for the purpose of conducting a hearing.

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Rules Committee be discharged from further consideration of the nominations: Rosemary Rodriguez and Caroline Hunter to be members of the Election Assistance Commission; that the nominations be confirmed and the motion to reconsider be laid upon the table; further, that the Senate then proceed to Executive Calendar No. 28, the nomination of Leon Sequeira to be an Assistant Secretary of Labor; that the nomination be confirmed and the motion to reconsider be laid on the table; that any statements be printed in the Record; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I want to take a moment to indicate my enthusiasm for the President's nomination of Leon Sequeira, a former member of my staff, to be an Assistant Secretary of Labor, who is an outstanding individual and who I know will serve the administration and the country well in this new capacity.

Mr. REID. Mr. President, this new Assistant Secretary has a lot of good qualifications, but the most important was his employment record with the distinguished Republican leader.

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

The nominations considered and confirmed are as follows:

ELECTION ASSISTANCE COMMISSION

Rosemary Rodriguez and Caroline Hunter.

DEPARTMENT OF LABOR

Leon R. Sequeira, of Virginia, to be an Assistant Secretary or Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

LIVING KIDNEY ORGAN DONATION CLARIFICATION ACT OF 2007

Mr. REID. Mr. President, I ask consent that the HELP Committee be discharged from further consideration of S. 487 and the Senate proceed to its consideration.

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

The legislative clerk read as follows:

A bill (S. 487) to amend the National Organ Transplant Act to clarify that kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I understand there is an amendment at the desk. I ask consent the amendment be considered and agreed to, the bill, as amended, being grossed for a third reading, was read the third time, and passed.

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

SEC. 1. SHORT TITLE.

Section 301(a) of the National Organ Transplant Act (42 U.S.C. § 274e(a)) is amended by adding at the end the following: "For purposes of this section, kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration."

SEC. 2. AMENDMENT TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301(a) of the National Organ Transplant Act (42 U.S.C. § 274e(a)) is amended by striking "kidney paired donation shall not be considered" and inserting "shall not be considered to involve the transfer of a human organ for valuable consideration."

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living donation.

The bill (S. 487) was ordered to be engrossed for a third reading, was read the third time, and passed.

REVISION TO THE SHORT TITLE OF THE FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. REID. Mr. President, I ask consent that the Senate proceed to Calendar No. 23, S. 188.

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

The legislative clerk read as follows:


There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments, as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in Italic.

S. 188

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

SEC. 1. SHORT TITLE.


SEC. 2. CONFORMING AMENDMENTS.

Paragraphs (7) and (8) of section 4(a), and section 13(a)(1), of the Voting Rights Act of 1965 (42 U.S.C. § 1973a(a), 1973k(a)(1)) is each amended by striking "Coretta Scott King" and inserting "Coretta Scott King, [and César E. Chávez] César E. Chávez, Barbara C. Jordan, and William C. Velásquez".

SEC. 3. CONSTRUCTION.

Title I of the Voting Rights Act of 1965 (42 U.S.C. § 1973 et seq.) is amended by adding at the end the following:

"SEC. 20. A reference in this title to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, [and César E. Chávez] César E. Chávez, Barbara C. Jordan, and William C. Velásquez Voting Rights Act Reauthorization and Amendments Act of 2006 shall be considered to refer to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa"
Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.”

Mr. LEAHY. Mr. President, in January, Ijoined Senator SALAZAR in introducing a bill to include César E. Chávez among the great civil rights leaders we honor in the title of last year’s Voting Rights Act Reauthorization and Amendments Act of 2006, VRARA. We reported this bill out of committee last week, and I am pleased the Senate was able to take it up and pass it so quickly.

I supported taking this action last year during the Senate Judiciary Committee’s consideration of the VRARA when I offered an amendment on behalf of Senator SALAZAR to add the Hispanic civil rights leader to those for whom the law is named. As Senator SALAZAR reminded us, César Chávez is an American hero who sacrificed his life to empower the most vulnerable in America. Like Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, for whom the VRARA is named, he believed strongly in the right to vote as a cornerstone of American democracy. I offered the amendment in the Judiciary Committee last year and it was adopted without dissent.

In order not to complicate final passage of the Voting Rights Act, the Senate proceeded to adopt the House-passed bill without amendment. This was not the bill the committee originally reported to the Senate and the Floor, but the bill the committee reported to the Senate and the Floor. What is important is that the Senate was able to take up and pass a bill that recognizes and honors the contributions of great leaders, including César Chávez.

I have supported adding César Chávez’s name to the law as an important recognition of the broad landscape of political inclusion made possible by the Voting Rights Act. This bill would not have been possible without the vital remedies for continuing discrimination in voting but is overdue recognition of the importance of the Voting Rights Act to Hispanic-Americans. Prior to the VRA, Hispanics, like minorities of all races, faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution.

We amended the bill in committee to add the names of two more great American leaders, Barbara Jordan and William C. Velasquez. Congresswoman Jordan was not only a pioneer as the first African American woman from a southern State to serve in the House of Representatives but also a great leader with an impressive career in public service as a Texas state legislator, a Member of Congress, and a professor at the University of Texas. She received the Presidential Medal of Freedom from President Clinton in 1994. Her work on the House Judiciary Committee in 1975 was instrumental in renewsing the Voting Rights Act and adding the vital minority language provisions to the VRA. Barbara Jordan’s life and career, not to mention her powerful speeches, have been an inspiration to so many that I am pleased to support adding her name to the bill.

On behalf of Senator SALAZAR, I offered an amendment to add the name of another Presidential Medal of Freedom honoree from Texas, William C. Velasquez. In 1974, Willie Velasquez founded the Southwest Voter Registration and Education Project, the Nation’s largest voter registration project aimed at the Hispanic community. Under his leadership, the SVREP launched hundreds of successful get-out-the-vote registration drives throughout the Southwest, greatly expanding the number of registered Latino voters and increasing Hispanic participation in the political process. Mr. Velasquez, who was also a leader with the United Farm Workers and helped found the Mexican American Youth Organization, MAYO, and la Raza Unida, helped others believe as he did that “Su voto es su voz”, your vote is your voice. When President Clinton posthumously awarded Mr. Velasquez the Presidential Medal of Freedom in 1995, he was only the second Latino to receive the Nation’s highest civilian honor. We should honor him now by adding his name to the title of the VRARA. I offer this additional amendment on behalf of Senator SALAZAR.

Often, there are many great leaders we could add to honor their great contributions to the expansion of voting rights to all Americans. Without leaders like Congressman JOHN LEWIS and House Judiciary Chairman JOHN CONYERS, we would not have the Voting Rights Act today. We are honored to, as follows:

AMENDMENT NO. 267
(Purpose: To add the name of Dr. Hector P. Garcia to a short title)

On page 2, line 3, strike “and William C. Velasquez” and insert “and William C. Velasquez, and Dr. Hector P. Garcia.”

On page 2, line 19, strike “and William C. Velasquez” and insert “William C. Velasquez, and Dr. Hector P. Garcia.”

The bill (S. 188) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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

SECTION 1. SHORT TITLE.

Section 1 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246) is amended by striking “and Coretta Scott King” and inserting “Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia.”

SEC. 2. CONFORMING AMENDMENTS.

Paragraphs (7) and (8) of section 4(a), and section 13(a)(1), of the Voting Rights Act of 1965 (42 U.S.C. 1973a(b), 1973aa(1)) are each amended by striking “and Coretta Scott King” and inserting “Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia.”

SEC. 3. CONSTRUCTION.

Title I of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended by adding at the end the following:

(2) A reference in this title to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 shall be considered to refer to, respectively, the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.”

NATIONAL MEDAL OF HONOR DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 12.

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

The committee amendments were agreed to.

The amendment (No. 267) was agreed to, as follows:

AMENDMENT NO. 267
(Purpose: To add the name of Dr. Hector P. Garcia to a short title)

On page 2, line 3, strike “and William C. Velasquez” and insert “William C. Velasquez, and Dr. Hector P. Garcia.”

On page 2, line 19, strike “and William C. Velasquez” and insert “William C. Velasquez, and Dr. Hector P. Garcia.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I further ask the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Con. Res. 12) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 12

Whereas the Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed to a member of the Armed Forces, is awarded by the President, in the name of Congress, to individuals
who have distinguished themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty;

Whereas the United States will forever be in debt to the recipients of the Medal of Honor for their bravery and sacrifice in times of war or armed conflict;

Whereas the first Medal of Honor awards were presented to 6 men on March 25, 1863, by the Secretary of War;

Whereas only 3,445 individuals out of the millions of men and women who have served the United States in war, military operations, or other armed conflicts have been awarded the Medal of Honor;

Whereas there are approximately 32,000 living recipients of the Medal of Honor, as of January 1, 2007;

Whereas it is appropriate to commemorate and honor the recipients of the Medal of Honor and what they represent;

Whereas the people of the United States should always be aware of the significance of the contributions of Medal of Honor recipients.

NOW, THEREFORE, the Congress of the United States of America, in the full recognition of Medal of Honor recipients; and

Whereas the designation of a National Medal of Honor Day would represent the contributions of Medal of Honor recipients;

Whereas March 25, 2007, would be an appropriate date to observe National Medal of Honor Day.

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

(1) recognizes the heroism and sacrifice of Medal of Honor recipients;

(2) recognizes the educational opportunity that a National Medal of Honor Day would present to the people of the United States; and

(3) supports the goals and ideals of a National Medal of Honor Day to celebrate and honor the contributions of Medal of Honor recipients.

MEASURE READ THE FIRST TIME—S. 641

Mr. REID. Mr. President, it is my understanding there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The bill will read the title of the bill for the first time.

The legislative clerk read as follows: A bill (S. 641) to express the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions.

Mr. REID. Mr. President, I now ask for a second reading and, in order to place this bill on the calendar under the provisions of rule XIV, object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, FEBRUARY 16, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon tomorrow, February 16; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and that the time until 12:30 p.m. be equalized and divided by the two leaders; that beginning at 12:30 p.m., there be a period of morning business, with Senators permitted to speak therein, with 30-minute blocks of time in an alternating fashion, with the majority controlling the first 30 minutes. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Friday, February 16, 2007, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 15, 2007:

THE JUDICIARY

RICHARD SULLIVAN, of New York, to be United States District Judge for the Southern District of New York, Vice-Michael B. Mukasey, Retired, to a term ending February 1, 2011.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Maj. Gen. BENJAMIN C. FREAKLEY, 0000

To be lieutenant general

Maj. Gen. A. SORENSON JEFFREY, 0000

To be lieutenant colonel

Robert W. ROSS III, 0000

To be major

MIYAKO N. SCHANLEY, 0000

To be major

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

Bob B. BUCH, 0000

To be lieutenant general

Troy C. WALLACE, 0000

To be lieutenant colonel

MAJ. GEN. CHRISTOPHER B. RYAN, 0000

To be colonel

PAUL J. WILLIS, 0000

To be colonel

KIMBERLY J. BISHOP, 0000

To be colonel

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 1228:

Antoine H. SOUZA, 0000

To be major

GREGG T. BUSH, 0000

To be major

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 601:

JENNIFER L. CRAMPTON, 0000

To be lieutenant general

JENNIFER L. CRAMPTON, 0000

To be lieutenant general

SABRA M. OWENS, 0000

To be major

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

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THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:
THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES E. BROWN, 0000
MARK A. HOFER, 0000
DAVID S. PHILLIPS, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

STEVEN F. COUTURE, 0000
ROBERT D. ELLIS, 0000
GERALD J. GRIFFIN, 0000
MARK A. HOFER, 0000
JACOB R. KELLY, 0000
JASON T. KELLY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PIETER W. AHREN, 0000
JEFFREY L. ANDERSON, 0000
DONALD P. BALLWIN, 0000
EDWARD D. BANTA, 0000
HAROLD C. BARNES, 0000
MICHAEL A. BISHOP, 0000
MATTHEW J. BONNELL, 0000
JAMES P. BORST, 0000
ROBERT J. BURBETTE, JR., 0000
ERIK T. CADE, 0000
NORMA L. COOLING, 0000
DIANN M. CUNNHDF, 0000
WILLIAM C. DUNCAN, 0000
TIMOTHY B. CUTRIS, 0000
PATRICK N. DELATTE, 0000
DOUGLAS A. DENN, 0000
JAMES T. DIAMOND, 0000
STEPHEN R. DINAUGER, 0000
DAVID T. DOOGIN, 0000
THOMAS R. REIFF, 0000
YOHI R. ESCALANTE, 0000
DOUGLAS H. FAIRFIELD, 0000
JOHN J. GAMBLIN, 0000
ROGER A. GARAY, 0000
JONATHAN S. GENTRY, 0000
ROGER A. GARAY, 0000
DOUGLAS H. FAIRFIELD, 0000
YORI R. ESCALANTE, 0000
THOMAS B. EIPP, 0000
DOUGLAS A. DENN, 0000
TIMOTHY B. CUTRIS, 0000
PARKER N. DENN, 0000
MICHAEL A. BISHOP, 0000
MATTHEW J. BONNELL, 0000
JAMES P. BORST, 0000
ROBERT J. BURBETTE, JR., 0000
ERIK T. CADE, 0000
NORMA L. COOLING, 0000
DIANN M. CUNNHDF, 0000
WILLIAM C. DUNCAN, 0000
TIMOTHY B. CUTRIS, 0000
PATRICK N. DELATTE, 0000
DOUGLAS A. DENN, 0000
JAMES T. DIAMOND, 0000
STEPHEN R. DINAUGER, 0000
DAVID T. DOOGIN, 0000
THOMAS R. REIFF, 0000
YOHI R. ESCALANTE, 0000
DOUGLAS H. FAIRFIELD, 0000
JOHN J. GAMBLIN, 0000
ROGER A. GARAY, 0000
JONATHAN S. GENTRY, 0000
ROGER A. GARAY, 0000
DOUGLAS H. FAIRFIELD, 0000
YORI R. ESCALANTE, 0000
THOMAS B. EIPP, 0000
EXTENSIONS OF REMARKS

HOLY FAMILY HOSPITAL DELIVERS HIGH QUALITY HEALTH CARE

HON. CATHY MCORMIS RODGERS
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mrs. McMorris Rodgers. Madam Speaker, I rise today to congratulate Holy Family Hospital for being rated as a top performer in the Centers for Medicare and Medicaid Services Premier Hospital Quality Incentive project.

Holy Family Hospital has been providing quality health care to the people of Eastern Washington for more than 40 years, but their story really began in 1945 when the Dominican Sisters purchased the land that Holy Family Hospital was later built on. Their philosophy to “restore and maintain health, promote wellness, prevent illness whenever possible, and help create a person-centered environment which fosters the healing process” continues to guide the efforts of Holy Family Hospital today.

As a top performer, Holy Family Hospital was evaluated on their performance and outcomes measures in five clinical areas—acute myocardial infarction (heart attack), heart failure, coronary artery bypass graft, CABG, pneumonia, and hip and knee replacement.

Madam Speaker, I rise today to commend Holy Family Hospital for setting the standard for clinical excellence, and for providing excellent health care to the Eastern Washington community. I invite my colleagues to join me in congratulating the doctors and employees of Holy Family Hospital on this great achievement.

RECOGNIZING ELIZABETH ANNE ROYCROFT AS ESCAMBIA COUNTY, FLORIDA’S TEACHER OF THE YEAR

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. Miller of Florida. Madam Speaker, on behalf of the United States Congress, I am proud to recognize Elizabeth Anne Roycroft as Escambia County’s Teacher of the Year.

Anne Roycroft joined the Escambia County School District administration in 2004, with an education background in American Studies, a Master’s of Education in Counseling from the University of North Carolina at Chapel Hill, and a Graduate Studies degree in Psychology from the University of West Florida. Mrs. Roycroft has proudly served the Escambia County School District for over two years, where she currently teaches Social Studies to sixth and seventh graders at Warrington Middle School in Pensacola, Florida.

Mrs. Roycroft’s involvement both in and out of the classroom proves her dedication and passion for teaching. She is a member of the National Council for the Social Studies, the Florida Council for the Social Studies, National Council for Geographic Education, and the International Reading Association. Since Mrs. Roycroft has begun teaching at Warrington Middle School, she has served as the Social Studies Department Chairman, a Member of the Technology Learning Group, a member of the school leadership team for Curriculum Mapping, a mentor, and the list continues.

The Teacher of the Year recognition highlights one year of teaching, but the proof of greatness lies well beyond the title—it lies in the hearts and minds of the students who have been deeply affected. To have the ability to significantly impact the lives of her students and to positively shape their minds, by instilling the knowledge, wisdom, and confidence needed to succeed is immeasurable and places Anne Roycroft among the great teachers in Northwest Florida. Escambia County is honored to have her as an educator.

Madam Speaker, I am honored to have her as part of our United States Congress. I am proud to recognize Elizabeth Anne Roycroft on this outstanding achievement and her exemplary service in the Escambia County School District.

PAYING TRIBUTE TO RICHARD CASE

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. Porter. Madam Speaker, I rise today to honor Richard Case, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

Richard served in the United States Army, 101st Airborne Division. On June 6, 1944, he landed on Utah Beach as part of the Normandy invasion and saw 21 consecutive days of combat. For his heroism and valor, Richard was awarded the Purple Heart, two Bronze Service Stars, and the Oak Leaf Cluster with Distinguished Unit Badge. In addition, on the 50th anniversary of D-Day, Richard, along with 21 of the original paratroopers, jumped at Utah Beach.

Madam Speaker, I am proud to honor Richard Case for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud Richard Case for his successes and I wish him the best in his future endeavors.

INTRODUCTION OF THE FAMILY EDUCATION FREEDOM ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. Paul. Madam Speaker, I rise today to introduce the Family Education Freedom Act, a bill to empower millions of working and middle-class Americans to choose a non-public education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes its goals by allowing American parents a tax credit of up to $5,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to America’s education system: what the great economist Ludwig von Mises called “consumer sovereignty.” Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education “market.” Funding decisions are increasingly controlled by the federal government. Because “he who pays the piper calls the tune,” public, and even private schools, are paying greater attention to the dictates of federal “educrats” while ignoring the wishes of the parents to an ever greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Loss of control is a key reason why so many of America’s parents express dissatisfaction with the educational system.

According to a poll by McLaughlin and Associates, two-thirds of Americans believe education tax credits would have a positive effect on American education. This poll also found strong support for education tax credits among liberals, moderates, conservatives, low-income individuals, and African-Americans. This is just one of numerous studies and public opinion polls showing that Americans want Congress to get the federal bureaucracy out of the schoolroom and give parents more control over their children’s education.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to send it to Washington to support education programs reflective only of the values and priorities of Congress and the federal bureaucracy.

The $5,000 tax credit will make a better education affordable for millions of parents. Madam Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Parents of children in public schools may use this credit to help improve their local schools by helping finance the purchase of educational tools such as computers or to ensure their local schools can offer enriching extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services, such as tutoring, for their children.

Increasing parental control of education is superior to funneling more federal tax dollars, followed by greater federal control, into the schools. According to a Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests.

Clearly, enactment of the Family Education Freedom Act is the best thing this Congress could do to improve public education. Furthermore, a greater reliance on parental expenditures rather than government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aid those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful, method of educating children. Home schooled children out-perform their public school peers by 30 to 37 percentile points across all subjects on nationally standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages forgone by the spouse who forgoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Madam Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No nation can remain free when the state has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful Washington bureaucracy supporting the Family Education Freedom Act.

ST. JOSEPH’S HOSPITAL OF CHEWELAH DELIVERS HIGH QUALITY HEALTH CARE

HON. CATHY McMORRIS RODGERS
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate St. Joseph’s Hospital of Chewelah for being rated as a top performer in the Centers for Medicare and Medicaid Services Premier Hospital Quality Incentive project.

St. Joseph’s Hospital of Chewelah was founded in 1929 by the Dominican Sisters. As a member of Providence Health Care, their mission is to provide a community of healing, collaborate with caregivers, and uphold a commitment to excellence. This is the kind of service and care they provide every day.

As a top performer, St. Joseph’s Hospital of Chewelah was evaluated on their performance and outcome measures in five clinical areas—acute myocardial infarction (heart attack), heart failure, coronary artery bypass graft (CABG), pneumonia, and hip and knee replacement.

Madam Speaker, I rise today to commend St. Joseph’s Hospital of Chewelah for setting the standard for clinical excellence, and for providing excellent health care to the Eastern Washington community. I invite my colleagues to join me in congratulating the doctors and employees of St. Joseph’s Hospital of Chewelah on this great achievement.

PAYING TRIBUTE TO WILLIAM FINE

HON. JON C. PORTER
OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor William Fine, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

William served in the United States Army, Company G, 318th Infantry Division and served in Central Europe, Ardennes and the Rhinelan. For his heroism and valor, William was awarded the American Service Medal, the European African Middle Eastern Campaign Service Medal, the WWII Victory Medal, and the Good Conduct Medal.

Madam Speaker, I am proud to honor William Fine for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the French Government for honoring our freedoms and I am pleased to have the opportunity to recognize his service.

INTRODUCING THE EDUCATION IMPROVEMENT TAX CUT ACT

HON. RON PAUL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Education Improvement Tax Cut Act. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a $5,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a $5,000 tax credit for cash or in-kind donations to public schools to support academic or extra-curricular programs.

Education remains one of the top priorities of the American people. Unfortunately most proposals to address the American people’s demand for education reform either expand federal control over education or engage in the pseudo-federalism of block grants. Many proposals that claim to increase local control over education actually extend federal power by holding schools “accountable” to federal bureaucrats and politicians. Of course, schools should be held accountable for their results, but they should be held accountable to parents and school boards not to federal officials. Therefore, I propose we move in a different direction and embrace true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America.

Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends. Returning control over the education dollar for tax credits for parents and for other concerned citizens returns control over both the means and ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders' advancement of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private,
parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality of education for all children.

Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers. Therefore, I believe that Americans will always spend generously on education, the question is, "who should control the education dollar—politicians and bureaucrats or the American people?" Madam Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act.

TRIBUTE TO LARRY INMAN

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. STUPAK. Madam Speaker, I rise today to recognize a northern Michigan citizen who has been an exemplary leader in business, in his community and in his State. Larry Inman will celebrate his retirement this week after thirty years of service to the Huntington National Bank (formerly Empire National Bank).

Mr. Inman is a northern Michigan original. He obtained his education and spent nearly his entire career in northern Michigan. He earned a degree in science and engineering from Northwestern Michigan College in Traverse City before graduating from Northern Michigan University in Marquette in 1976. Mr. Inman had a brief internship in the Michigan Attorney General’s Consumer Protection Division before he began his career with the Empire National Bank in 1979.

Mr. Inman’s career at Huntington National Bank has been characterized by loyalty and dedication. His hard work and tenacity were often recognized and rewarded at Huntington National Bank. During his twenty-eight years there, he was promoted nine times, ultimately landing the position of Vice President, Commercial Loan Officer—Sales Executive Senior.

While Mr. Inman has been a tireless employee for Huntington National Bank, what is most remarkable is how he always took time to be an active member of his local community. In fact, given his track record of success at Huntington National Bank and the amount of time he dedicated to his professional career, it is truly astounding the number of community organizations that he has supported, belonged to or helped to lead. Larry has involved himself in community fundraisers for the local Junior Achievement and the Grand Traverse Bay YMCA. He spent time as a Volunteer Probation Officer for Michigan’s 86th District Court. Maintaining his ties to his alma mater, he worked on Northwestern Michigan College’s Curriculum Advisory Committee.

Mr. Inman also applied his knowledge and professional experience toward the growth and development of the Grand Traverse County area, serving on the Grand Traverse County Economic Development Corporation, the Waste Council, the Northwestern Regional Airport Commission and the Grand Traverse County Planning Commission.

Perhaps most important to the region’s planning and development, Mr. Inman was elected in 1993 to the Grand Traverse County Board of Commissioners and has been successively re-elected every two years.

Beyond the organizations that helped guide the region’s economic growth and development, Mr. Inman was active with a number of organizations that assist those in the Grand Traverse community who need the most help. For instance, he spent time on the Funds Distribution Board of the United Way of Northern Michigan and the Grand Traverse County Veterans Affairs Board.

Beyond his service to the local Grand Traverse region, Mr. Inman also served the State of Michigan in a variety of capacities. The Governor appointed him to serve on the Board of Trustees of Northern Michigan University. Since 1998, he has represented a ten-county region on the Northwest Michigan Council of Governments. He has served today on the State of Michigan Community Corrections Board and chaired the Corrections Board from 1999 to 2006.

Given the amount of time that Mr. Inman has dedicated to serving his state and his local community, it is no wonder that his colleagues have, at times, jokingly referred to him as “Larry Never In Man.” Yet, despite the demands that community involvement places upon his time, Mr. Inman has led a highly successful career at Huntington National Bank. Some might speculate that his success can be attributed to his effervescent attitude. He is known around the office for responding to the question, “How are you?” with his trademark response, “Simply the best!”

With Larry’s well deserved retirement, perhaps he will have more time to indulge his passions of attending Martina McBride concerts and collecting country music memorabilia. However, even while he enjoys these hobbies, I know Mr. Inman will remain an active part of the Grand Traverse Community.

Madam Speaker, all of us struggle to balance our professional lives with involvement in our local communities. As a leader in local business, in his community and in the State of Michigan, Larry Inman exemplifies that balance.

Madam Speaker, I first met Larry Inman when I attended Northwestern Michigan College from 1970–1972. Larry and I, along with Tom Willson, were studying law enforcement, young ladies and the latest night spots. We became good friends in college and better friends in business and politics. I regret that I cannot personally attend his retirement party as my Congressional responsibilities are keeping me in Washington, D.C. Larry knows I am with him in spirit, in friendship and in my heart, because you do not have that many good friends like Larry Inman.

Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in saluting Mr. Larry Inman for his years of dedication and in congratulating him on a well-deserved retirement.

PAYING TRIBUTE TO ROBERT GLANS

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Robert Glans, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

Robert served in the United States Army, 60th Infantry Regiment and served in Normandy, Northern France, and the Rhineland. For his heroism and valor, he was awarded the Purple Heart, the European African Middle Eastern Campaign Service Medal with three Bronze Stars, the WWII Victory Medal, and the American Campaign Medal.

Madam Speaker, I am proud to honor Robert Glans for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud Robert Glans for his successes and I wish him the best in his future endeavors.

HONORING AND PRAISING THE NAACP ON THE OCCASION OF ITS 98TH ANNIVERSARY

SPEECH OF
HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 12, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to pay tribute to an organization that has been at the forefront of the fight for civil and political liberty. The National Association for the Advancement of Colored People, our Nation’s oldest civil rights organization, has been on the right side of history for 98 years.

Doing the right thing wasn’t an easy task, especially given the entrenched discrimination black Americans faced. When African Americans were victims of lynching; when hostile government policies forced black Americans into substandard, segregated schools; when black voters were disenfranchised by poll taxes and other unfair barriers, the NAACP stepped up to help end discrimination and do what was right.

I feel privileged to represent a district with a strong branch of the NAACP. The Sonoma County NAACP was co-founded by my friends Gilbert and Alice Gray and other local activists. Alice was a dedicated volunteer and fearless leader. Almost 1 year ago, I rose to honor Alice after her passing. Some of her accomplishments bear mentioning again, for the scope and depth of her activism. In 1954, she
led protests against segregated local business; she helped establish the National Association of Negro Business and Professional Women's Club in Sonoma; and she helped at-risk kids in the community achieve their fullest potential by mentoring them. She also launched the Gray Foundation with her husband to help students pursue their educational goals and serve their community—“to listen and learn from the traditions of self-help and self-reliance that once gave our people strength.” She was an amazing woman who honored us with her presence and the NAACP with her service.

To appreciate more fully the immense importance of the NAACP over the last century, a quick look at some of their political victories on a national scale is in order. The NAACP was instrumental in the signing of President Harry Truman’s Executive order banning discrimination in 1948. The NAACP helped pass the Equal Employment Opportunity Act; the Civil Rights Acts of 1957, 1960, and 1964; the Voting Rights Act of 1965 and last year’s reauthorization. The NAACP led sit-ins to protest segregated lunch counters, which led to many stores officially desegregating their counters. They also educated the public about the legacies of slavery and the importance of coming to terms with the past—for example, by protesting the racist film Birth of a Nation, or by taking out ads in major U.S. newspapers to give readers the facts about lynching. Thanks to the NAACP’s courage, we all live in a fairer and more just Nation today. We owe this group a tremendous debt.

I am honored to be an original cosponsor of this bill in the House for the NAACP and thank Congressman AL GREEN for introducing it. It is important for every American to realize the great impact this institution has had on our Nation.

TRIBUTE TO DR. ROBERT H. REARDON, PRESIDENT, ANDERSON UNIVERSITY

HON. MIKE PENCE
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. PENCE. Madam Speaker, I rise today to honor a beloved son of Anderson, Indiana. Bob Reardon served for 25 years as president of Anderson College, which through decades of executive service and visionary leadership he built from a relatively small Christian university with few resources into the Anderson University we proudly know today.

Robert H. Reardon was born in Chicago on April 27, 1919, but moved later that year with his parents and brother to Anderson. Following graduation from Anderson High School, class of 1936, he attended Anderson College, where he felt the call to ministry and met his wife, Geraldine Hurst, whom he married on August 24, 1941. They have four children: Re-... (text continues asbatim)

PAYING TRIBUTE TO WILLIAM DEAN WHITAKER

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor William Dean Whitaker, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944, the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

William served in the United States Army Air Corps, 603rd Bomb Squadron, 388th Bomb Group as a Bombardier and Navigator and served in Normandy, Northern France and the Rhineland. On October 15, 1944, his B–17 was shot down over Merseburg, Germany; while parachuting to earth, he received hostile fire and was captured and held as a prisoner of war for 7 months. For his heroism and valor, William was awarded the European African Middle Eastern Campaign Service Medal, and the Air Medal with 2 Oak Leaf Clusters. In 2004, during a POW/MIA ceremony held at Nellis Air Force Base, Nevada, William finally received the Purple Heart for his injuries and sacrifices while a Prisoner of War during World War II.

Madam Speaker, I am proud to honor William Whitaker for his courageous service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service.

I applaud William Whitaker for his successes and I wish him the best in his future endeavors.

HONORING LA MARQUE HIGH SCHOOL

HON. NICK LAMPSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. LAMPSON. Madam Speaker, when we think of football in Texas, and especially Galveston County, we think of La Marque High School. Following a 1–5 season, the La Marque Cougars met the Waco Lions at the Alamodome in San Antonio, and claimed their fifth state championship on December 22, 2006.

The Coug’s victory was impressive, with La Marque scoring 20 points in the last quarter to break a tie and bring the championship back home to a proud and diverse community. This exemplary and dedicated group of young men and their coaches, backed by the entire school, continues a proud legacy of winning. Their hard work and dedication brings pride in our entire community. I am honored to represent the Cougars, and La Marque, where football reigns.

It is a privilege to honor the La Marque High School Cougars for recapturing the Class 4A Division II State Football Championship, and I ask that we submit congratulations from the 110th Congress into the record.

HONORING AND PRAISING THE NAACP ON THE OCCASION OF ITS 98TH ANNIVERSARY

SPEECH OF
HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 12, 2007

Mr. HASTINGS of Florida. Mr. Speaker, I rise today as a proud co-sponsor of the resolution honoring and praising the National Association for the Advancement of Colored People on this occasion of its 98th anniversary. I would like to thank my friend Rep. AL GREEN of Texas for putting forth this timely resolution.

It is with great pleasure that I stand here today to honor 98 years of the oldest and largest civil rights organization in the United States. As a young man growing up in the civil rights era, I witnessed firsthand the many struggles and efforts the NAACP encountered to fight the ugly face of racism and discrimination.

Honoring the NAACP immediately brings to mind one of the most eloquent scholars of recent history, my hero, W. E. B. Dubois. His involvement in the Niagara movement and scholarly work in developing Crisis Magazine built the foundation for what became the thriving NAACP we see today. One adage of Mr. Dubois that still motivates me to this day is his assertion, “There can be no perfect democracy curtained by color, race, or poverty, but with all, we accomplish all, even peace.” These words remind me of why I am here. Mr. Dubois understood that if America were to be
a true democracy, all men and women must be involved in the process. He fought for the rights and equality of minorities in America and abroad. I rise today because I am moved by the purpose of this legislation, which perpetuates this national struggle and the legacy of W. E. B. DuBois which became the NAACP.

Mr. Speaker, although our country has overcome many obstacles since the early 1900’s—it is important we recognize this historical organization today because our Nation continues to struggle against discrimination and hate crimes. We must never forget the words of the NAACP, “to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.” We must internalize this mission and continuously work together to realize the goals and mission of this organization. I urge my fellow colleagues to rise with me in support of this resolution.

PAYING TRIBUTE TO WILLIAM SCHANTZ

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor William Schantz, a veteran of World War II, for his exemplary service in defense of freedom and award him the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

William served in the United States Army Air Corps, 36th Fighter Group and served in Normandy, Northern France, Ardennes, the Rhineland and Central Europe Air Offensive Europe. William also served behind enemy lines with the Tactical Air Force, providing integral support to troops on the ground, and supporting General Patton’s troops in theater. For his heroism and valor, he was awarded the European African Middle Eastern Campaign Service Medal, the Distinguished Unit Badge with one Oak Leaf Cluster, and the Good Conduct Medal.

Madam Speaker, I am proud to honor William Schantz for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud William Schantz for his successes and I wish him the best in his future endeavors.

HONORING CRAFTON HILLS COLLEGE FOR 35 YEARS OF COMMITMENT TO STUDENT ACHIEVEMENT

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. LEWIS of California. Madam Speaker, it is with great honor that I rise today to recognize the 35th anniversary of Crafton Hills College, a true leader among community colleges and an exemplary model of dedication to student achievement.

Since opening its doors to students in 1972, Crafton Hills College has expanded the education and increased the job skills of over 100,000 people from all backgrounds and ages. Beginning as an idea in the minds of two Los Angeles philanthropists, the development of a community college on 500 acres of land soon became a reality. A special election in 1967 secured funding for construction of the campus, and the first classes were taught only 5 years later. The accessibility of the education and top-notch professional programs attracted students from all areas of southern California. In only 35 years Crafton Hills College experienced unprecedented growth, from an original population of 881 students and 21 full-time faculty members in 1972, to the current number of students totaling over 5,200 with 80 full-time teachers and administrators.

Crafton Hills has a model for other schools in handling expansion of a student population while remaining constant in the quality of their programs. Crafton Hills has continued to maintain a low cost of tuition and offer superior classroom instructors, while concurrently forming their programs into some of the most reliable in the California college system. Because they have access to a variety of occupational and degree programs, students are able to become adequately prepared for employment in the workforce, or transfer to a 4-year university in any of 36 different majors. The Fire Science Program and the Emergency Medical Care/Paramedic Program are recognized as two of the most outstanding college emergency services programs in the state, and Crafton Hills is the primary location for paramedic training in the San Bernardino and Riverside counties. The programs are supported by the involvement of local hospitals, fire departments, and emergency facilities, and the community agencies which have encouraged students to engage in hands-on learning while allowing them the rare opportunity to network with potential employers. By funneling their newly gained skills into health care professions, firefighting, and paramedic services in the southern California area, students demonstrate a dedication to enhancing public health and safety for those around them, and in many cases, forego the risk to their own lives.

Crafton Hills College has been a key element in the success of the San Bernardino Regional Emergency Training Center. The center trains first-responders in specialized courses for fighting aircraft fires and adequate rescue techniques, and Crafton Hills College implements and oversees the center's educational component. The enthusiasm and teaching ability of the administrators and teachers will undoubtedly continue to attract firefighters throughout the Nation eager to receive top-notch instruction and training.

The 35th anniversary of such a well-regarded college is certainly a cause for recognition. It is with great privilege that I represent such a respected academic institution, and I ask my colleagues to join me in recognizing thirty-five years of achievements at Crafton Hills College.

A FRIEND LOST

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. FRANK of Massachusetts. Madam Speaker, in the February 14 edition of Roll Call, one of the most accomplished authorities on the workings of Congress pays a heartfelt and well-deserved tribute to another authority on our workings—Nelson Polsby. Nelson Polsby died recently. He was an extraordinary intellect, who paid this institution the enormous compliment of taking it very seriously and helping both the general public and those of us who serve here understand our worlds. Norman Ornstein was a colleague of Nelson Polsby in this important work, and in today’s edition of Roll Call, in a few short paragraphs, he does a great deal to capture the essence of Nelson Polsby and to help people understand why so many of us will miss him. Madam Speaker, self-knowledge is always important, and I ask that Mr. Ornstein’s words be inserted here, both in tribute to one of the great scholars of our time, and in the hope that Members of Congress will, if they have not already done so, discover the works of Nelson Polsby and learn from them.

A FRIEND LOST

Three topics of discussion this week beginning with this: Congress lost a true friend and one of the all-time great scholars of its history and dynamics last week with the death of Nelson Polsby.

Polsby was a larger-than-life figure in every respect (The Times in London, in its wonderful obituary, described him as “a mountain of a man; he looked like an American footballer gone to seed.”) His imposing physical presence was matched by an even more imposing intellect. His tone, and pen, could be withering, but legions of students and colleagues, me included, could not have a better friend and mentor. Polsby’s scholarship spanned many areas, but Congress was his true love and the subject of his best work.

His article “The Institutionalization of the U.S. House of Representatives” is among the many of his scholarly writings included in the American Political Science Review. His last book, “How Congress Evolves: Social Bases of Institutional Change,” is typically elegant and deep, a huge contribution to the scholarly literature but written so that a nonprofessional reader can learn mightily from its insights. It is a must-read for every Member of Congress who wants to understand his or her institution in a historical and political context—which should be every Member of Congress.
PAYING TRIBUTE TO AMBER CORNELIUS DRABANT

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mrs. Amber Cornelius Drabant for her long and distinguished service to the Clark County School District.

Amber was educated in the Clark County School District where she attended Twin Lakes Elementary School, R.O. Gibson Junior High School and graduated from Western High School. In 1976, Mrs. Drabant returned to Western High School to teach courses in Biology, Botany, Welding, and Environmental Horticulture. In 1993 Mrs. Drabant began teaching Environmental Horticulture at the Area Technical Trade Center. During her tenure at the Trade Center, Amber sought to provide her students with the opportunities to participate in various internships where they gain real-world experience which prepare them for positions in the horticulture industry and post-secondary school education.

Amber has received both state and local recognition for her many years as a skilled educator. In 1979, she was named as Nevada’s Vocational Teacher of the Year and in 1993–94 and 1995–96 Mrs. Drabant was honored as the Kiwanis Teacher of the Year. Finally, as a direct result of Amber’s efforts, Area Technical Trade Center and Moapa Valley High School received a $37,000 grant to establish a hydroponics program.

Madam Speaker, I am proud to honor Mrs. Amber Cornelius Drabant. Her many years of dedicated service to the Clark County School District are to be commended and I wish her the best of luck in her retirement.

CONGRATULATIONS MR. STEVE KANDRA

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. WALDEN of Oregon. Madam Speaker, today, the great State of Oregon turns 148 years old. Tomorrow will mark an occasion nearly as momentous when a highly-respected community leader in Oregon, Mr. Steve Kandra, steps down as the president of the Klamath Water Users Association (KWUA). I would like to draw my colleagues’ attention to the numerous contributions Steve has made to his community and his industry, for without them hundreds of farmers and ranchers in southern Oregon and northern California would have found the past two years a much greater challenge.

As many of us know, most folks would probably be surprised at what life as president of an organization is really like. Often, one is drafted into the position by colleagues to pick up heavy loads, to donate countless hours of time away from family and business, and to forge common ground on difficult issues. Being the president of KWUA is a particularly tough job; Steve headed the call of his fellow farmers and ranchers for two full terms. As Steve’s infectious sense of humor would lead him to say, “If you don’t get it right the first time, try, try again.”

His fellow members at KWUA would tell you that they pleaded with him to lead the association because he is extremely smart, dedicated, experienced, respected, and sincere. That’s an impressive combination of personal qualities, and they were right.

The farmers and ranchers of the Klamath Basin are no strangers to serious challenges. When the federal government unjustly shut off their water from the Klamath Project in 2001, over 1,000 farming and ranching families’ livelihoods and the community that depends on their well-being, faced disaster. The climb back for the agriculture community is by no means complete and has demanded smart and dedicated leadership. Steve Kandra provided just that. Steve spent countless hours attending meetings and hearings, leading tours of the Klamath Basin, granting interviews, and delivering compelling presentations. His duties as president often took precedence over family affairs and the demands of farming. Anyone who knows Steve knows he is a hands-on guy who will not be deterred when the tough issues require significant personal involvement, a substantial knowledge base, and a broad range of relationships.

The “Just Say No” campaign clearly did not resonate with Steve. He is also a past president of Tulelake Rotary, Klamath County Farm Bureau, Oregon Hay & Forage Association, Klamath Basin Hay Growers, Klamath County Chamber of Commerce, and Klamath Irrigation District. Steve is a board member of Klamath Basin Ecosystem Foundation and Shaw Historical Library Board of Governors, and an elder at Merrill First Presbyterian Church. Lest my colleagues think that is all Steve has managed to occupy his time with, amazingly there’s more. He has also been a board member of the Klamath County Economic Development Association, Upper Klamath Basin Workgroup, Klamath Irrigation District, and Oregon Water Resources Congress, just to name a few volunteer activities. I suppose the saying is true: If you need something done, ask a busy man.

While Steve and his lovely wife, Nancy, will both remain very engaged in the struggle to provide stability for agriculture in the Klamath Basin, I suspect that Nancy will be popping a bottle of champagne tomorrow night in celebration of Steve’s retirement as president of KWUA. Together they have successfully navigated a long and winding road, and the celebration of achievement is certainly in order.

Madam Speaker and my fellow House members, please join me in congratulating Steve Kandra, an outstanding community leader and family man who I am proud to call my friend.

TRIBUTE TO MR. WILLOW BROWN

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to Mr. Willor Brown of Ypsilanti, Michigan. This April, Mr. Brown along with the other members of the renowned Tuskegee Airmen, will be honored with the Congressional Gold Medal. This great recognition comes after the Tuskegee Airmen overcame discrimination, prejudice and institutional segregation bringing about the full integration of the Armed Forces.

During World War II Mr. Brown served in the U.S. Army Air Corps. As a staff pilot, his mission was to ensure the safety of American bombers as they came back to base from missions over Germany and Italy. Mr. Brown and the other members of the Tuskegee Airmen performed this job with both bravery and great success, as evidence by the fact that not a single American bomber was lost during the Tuskegee Airmen’s service. This service was even more remarkable given that fact that they continually faced the humiliation of segregation, even as they excelled beyond the expectations of any unit.

After seeing an article about aviation at Tuskegee, Alabama, Mr. Brown used his skill in math to pass the Army’s program tests. He arrived in Alabama in December 1942, in time to have the great honor of meeting Tuskegee University’s founder George Washington Carver. Mr. Brown stayed at Tuskegee for nearly a year before he had the opportunity to serve overseas in Europe.

Although Willor Brown and the rest of the Tuskegee Airmen served our Nation bravely in combat during World War II, they also helped to bring about the necessary integration of our Armed Forces. The Tuskegee Airmen wore our Nation’s uniform without the honor given to other service members. However, with tremendous success, remarkable service and amazing accomplishments, the Tuskegee Airmen shattered the notions of inferiority and opened up the opportunities for generations of minority service members have had access to. The social injustice and setbacks they faced at home could not stop the Airmen from fulfilling their mission and their service abroad changed the perceptions of their place at home.

The Congressional Gold Medal is a great honor; Mr. Brown along with the other members of the Tuskegee Airmen have certainly earned this distinction. I honor Willor Brown for his bravery in battle; his determination to succeed even with great barriers before him; and for the example he has set not just for African American or minority members, but for all of the men and women who serve in the U.S. Armed Forces. I join with a grateful Nation to thank Mr. Brown for his service to this country.

PAYING TRIBUTE TO JOSEPH BONAVENTURE

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Judge Joseph Bonaventure, for his years of dedicated public service to the Las Vegas community.

Judge Bonaventure began his legal career as an attorney in Las Vegas over three decades ago. Joseph then felt that his calling was a single bomber was lost to enemy fire and the Judge began a seven-year tenure on the bench. He is known as one of the most colorful judges in the history of Southern Nevada and easily the most well known judge
HONORING AND PRaising the NAACP ON THE OCCasion of its 98th Anniversary

SPEECH OF HON. STENY H. HOYER OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2007

Mr. HOYER. Mr. Speaker, I rise today in support of House Concurrent Resolution 44, "Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary."

Coretta Scott King once said that "struggle is a never-ending process and freedom is never really won—you earn it and win it in every generation." And since 1909, generations of Americans who have fought for racial equality and the expansion of liberty have had a friend and advocate in the National Association for the Advancement of Colored People.

While its name entails that the NAACP seeks to advance the fortunes of African Americans, I believe that its true mission is to advance the goals of all Americans—for when we move closer to becoming a beacon of hope and opportunity for all people, regardless of race or ethnicity, we all reap the benefits. When the light of social justice is shined in the dark corners where prejudice and bigotry still exist, our nation becomes stronger. When people who have been mistreated and oppressed become empowered to take steps towards the American Dream, our nation becomes stronger. And when we take actions that elevate the things that unite us above those that drive us apart, our nation becomes stronger.

And that is what the NAACP is all about—strengthening our nation by reminding us that while we have come a long way in our struggle for freedom and equality, we are not yet perfect, and must always remain vigilant in pursuit of a world where all men and women are treated with the respect and dignity that all human beings possess.

I'm proud to be a member of the NAACP. I'm proud to be from the state that the NAACP has called home for so many years. And I'm grateful that the NAACP has provided such strong and talented partners in working for social justice both in Maryland's Fifth Congressional District and throughout our nation as a whole.

I'd like to congratulate the NAACP on 98 years of promoting what is best about America—and I look forward to continuing to work together with NAACP members toward our shared goals of equality and prosperity for all. I urge all Members to support this important bill.

PAYING TRIBUTE TO ADAM SCHULTHEIS

HON. JON C. PORTER OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Mr. Adam Schultheis, an outstanding music teacher at Boulder City High School whose work has recently earned him a student-nominated Outstanding American Teacher Honor Roll.

For more than 20 years Adam has served the students of Boulder City with his dedication and commitment to excellence in music education. Adam earned his bachelor's degree in music education and performance at the University of Arizona Tucson while studying on a full scholarship. He then went on to earn his
CONGRATULATIONS KENDALL CIESEMIER

HON. PETER J. ROSKAM
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. ROSKAM. Madam Speaker, I rise today to congratulate Kendall Ciesemier of Wheaton for her outstanding volunteer efforts and service to others.

At just 14 years old, Kendall is the founder of Kids Caring 4 Kids, a nonprofit organization dedicated to raising awareness of the AIDS epidemic currently devastating Africa. Through community outreach and fundraising, Kendall has made an incredible difference in the lives of AIDS orphans in a village in Zambia.

In spite of her personal struggle with cancer, Kendall has tirelessly directed her remarkable talent and energy to making life better for the poor, the needy, one else who might need his help in our society.

Leo was one of those rare public officials who got better in every way . . . the closer you got to him.

There were no feet of clay here.

One of my early remembrances of him is on our first trip to Sacramento together in December of 1968. Leo had just been elected to the assembly and he had hired me as his assistant. On that day he wanted us to drive together to check out the new office and meet with the Assembly leader Jess Unruh three days later. He told me he had been there before and just sent me to drive with him.

I remember that it was raining hard that day, pounding, and in what was to become our routine for the next 10 years—I was driving and he was teaching, as we talked about the issues of the day and what we might do about them in the year to come.

Just as we passed Dixon on Highway 80, the rear tire went flat and I had to pull over. As I came to a stop, Leo said suddenly, "Wait here, opened the car door in the pouring rain and ran through the length of the football stadium to a service station to get help with the flat tire.

I stayed in the car warm and dry. He was still there the next day when we got to Sacramento. Undaunted, he kept his appointment with Unruh as though nothing had happened.

And that’s the way it was, every time.

He never asked his staff, and there were thousands of us by the end of his political career, to do anything he wouldn’t do. He cared about all of us, our careers—our families, our well being.

Even one of his former staff will tell you similar stories about when he would apologize for taking them away from their family when they had to work late on legislative testimony for the next day, or how he would show up at the Operating Engineers at 2 in the morning with food and encouragement as we printed brochures to help elect another candidate who would vote for him to be Speaker in 1974.

And what a Speakership that was! The best day we ever had was from the former Republican Speaker of the Assembly, Bob Monagan from Tracy, California.

Bob had left the legislature some years before Law School. He was listening carefully to Courtney McCarthy about jobs after Law School. He was listening, as we talked about the issues of the day and what we might do about them in the year to come.

In all his years, there were no scandals, no innuendos, no shameful disgrace, and the legislature followed his example in doing the work it ever did for the people of California.

That’s not me talking. It is every editorial written in every major newspaper since last Tuesday.

Over the last 7 months, I saw a lot of him . . . in the hospital, as did many of you.

We talked about his career, successes and failures. We soon ran out of failures, but the successes went on for ever. But I had to bring them up—Coastal preservation, Nursing, human rights, education, gun control, Suicides, Per-diversion Reform, Mental Health, Child nutrition, Human rights, Legislative Transparency and on and on.

But most of all, as great and prodigious the volume of his work, Leo was proudest of his family.

Jackie was the light of his life. She was his love, his energy, his will to live as they raised four magnificent children you will hear from tomorrow morning.

And you will find yourselves why he always answered the question: ‘‘What was your most important work—with a resounding, ‘My family!’’ The things he did to try and make his contribution as a father and a husband are legendary to all of us.

You have heard and read the thousands of roundtrips to and from Sacramento by car, greyhound bus, and even airplane.

It was all very real because the kids were growing up, their fathers might not matter what. He always said that Jackie did all the work, but he had to be there for whatever he could do at night.

One of my favorite stories starts one morning when I could not drive him and he drove himself down to the greyhound station to catch the 7 a.m. bus to Sacramento.

He was late and very much focused on the busy day to come in the Legislature. So he sped into the parking lot, jumped out of the car, tossed the keys and 20 bucks to the man standing by the pay booth while running to catch the bus.

That night I got a call from a perplexed Leo asking where his car was because the lot was empty and the attendant was gone. For three days he did not believe me when I tried to tell him that there was no attendant at the lot because it was a weekday.

We didn’t talk about it again for a while because on the fourth day he learned the car had been found intact by the SFPD with an empty gas tank. And the rumor was that some homeless guy was going around town telling about the nice guy who tossed the keys to him with 20 bucks and ran off.

For a long time the house for Leo was one he took this past January.

He had been in the hospital for 6 consecutive months—something neither he, his family, or any of us could have imagined when we watched him being wheeled into UC hospital on June 1st of last year—not to mention the countless number of difficult tests in all kinds of machines, hundreds of needle sticks, a combined month and a half in the intensive care unit, dialysis every other day, cups of awful tasting medicinal concoctions, but with his integrity, his adherence to good principle, and his deep commitment to making life better for the poor, the needy, one else who might need his help in our society.

And then you will know for yourselves why Leo was one of those rare public officials who got better in every way . . . the closer you got to him.

There were several times when he was asked, ‘‘Do you want to go on?’’ And every time—every time—he answered with the same: ‘Yes! I have things to do.

He was planning family vacations next year with Jackie. He was advising Kevin about jobs after Law School. He was listening, canny to Courtney McCarthy about environmental business deals—he absorbed all of Contra’s schedule of meetings and all of the environmental news about her children—he listened intently as Sharon discussed the latest events at St. Stephens—he studied the text books on environmental business deals and quickly asked by the phone calls and visits from Nancy and her right arm and another former McCarthy staffer, Representative Anna Eshoo. Every week they were in town—
Mr. McDERMOTT. Madam Speaker, due to a death in my family I needed to depart Washington, DC, last week and missed several votes on February 8, 2007.

Had I been here, I would have voted “aye” on: rollcall vote 87, the Hastings of Florida amendment; rollcall vote 88, the Rogers (MI) amendment; rollcall vote 89, the Weller amendment; rollcall vote 90, the Cantor amendment; and rollcall vote 92, final passage of H.R. 547.

I would have voted “no” on rollcall vote 91, the Motion to Recommit.

TRIBUTE TO THIRLEE SMITH, JR.

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007
Mr. MEEK of Florida. Madam Speaker, today I rise in sadness on behalf of the late Thirlee Smith, Jr., the first Black reporter at The Miami Herald. His role in the education of the children of Miami-Dade County is foremost in his achievements, having focused his attention on African-American history that it became an important part of the school system’s curriculum. I join my fellow citizens in mourning the passing of this great leader, whose “going home” services will be celebrated this Thursday, February 15, 2007 at St. Agnes Episcopal Church.

Mr. Smith was the quintessential community leader. Not only did he write about the struggles and challenges impacting Blacks in Southern Florida, but he also symbolized tremendous hope for the youth to whom he bequeathed his unique brand of adventure that shed light on the mastery of basic skills and scholastic achievement. He had to make sense of the malignant intent of segregation in his writing at The Miami Herald, but the lessons he learned from his parents, Thirlee Sr., and Beulah, epitomized his unshakable faith in the majesty of a loving God.

Having attended Liberty City Elementary School, he would soon represent the first graduating class of Miami Northwestern Senior High School in 1936. He went on to earn a bachelor’s degree in history and Master’s degree in Education at Fisk University in Nashville, Tennessee. He applied for a writer’s job at The Miami Herald, but was unceremoniously told that “there was no room” for a Black reporter. Despite this rebuff, he was featured in 1960 in Who’s Who in American Colleges and Universities.

He paved his way for a teaching career in the District of Columbia’s public school system in 1961. In 1967 he was hired to teach in the Miami-Dade County Schools, and was simultaneously chosen as the first Black writer for the Miami Herald. After a post-graduate 4-year stint at the Smithsonian Institution in Washington, D.C., he was promoted in 1997 to District Coordinator for African American History.

When I reminisce about the role that this great writer and educator played in fashioning
the future of our community, it is clear that it parallels much of our state’s history as it struggled through the agonies of racial equality and educational opportunity under the aegis of simple justice for all Americans. All throughout the segregation era, this young visionary gave us hope and courage through his writings, his exemplary leadership whose courage and wisdom appealed to our noblest character as a nation. This is the magnificent legacy by which we will honor his memory.

SUPPORT FOR THE MINORITY DIABETES INITIATIVE ACT

HON. LUIS G. FORTUÑO
OF PUERTO RICO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. FORTUÑO. Madam Speaker, I rise today in strong support of H.R. 1031, the Minority Diabetes Initiative Act. Sponsored by my esteemed colleague, Representative Maxine Waters, this important legislation will establish initiatives to provide grants to physicians, community-based organizations and other health care providers for diabetes care and treatment program in minority communities. It is of utmost importance that Congress take decisive action on this common-sense legislation that will benefit those struggling with diabetes.

Unfortunately, diabetes is a disease that is rampant in my district, the island of Puerto Rico, and the statistics plainly prove that this is a serious problem. Official statistics put forth by the Puerto Rico Diabetes Association say that approximately 560,000 persons, including 75,000 children, are diabetic. Fifteen percent of the island’s population lives with diabetes. Compared to all of Latin America and the Caribbean, Puerto Rico has the most cases of diabetics among women ages 20 to 79, and amongst these women, diabetes is the third leading cause of death on the Island. According to CDC data published in 2000, the national diabetes death rate for Hispanics/Latinos was highest among Puerto Ricans (172 per 100,000), followed by the rates for Mexican Americans (122 per 100,000), and Cuban Americans (47 per 100,000). Clearly this is a pervasive problem not only in Puerto Rico, but among minority communities across the nation. Congress can help by moving this critical legislation towards passage.

Among minorities, two of the major obstacles to adequate health care are lack of good information and language barriers. Many minorities, in particular new immigrants, do not understand the process of how the Federal health care system works, and have a hard time understanding new programs that are disseminated through traditional means of English-language ad campaigns or pamphlets they find at the clinic or doctors’ office. Many don’t have access to even general information—if they can’t afford decent health care, how will they afford a laptop with Internet access, or even know where to access reliable information? And, in rural areas, many debate the use of traditional versus conventional medicine, which presents a whole other set of challenges to health care education, disease treatment and prevention, and information dissemination. As you can see, in Puerto Rico, an approach that is linguistically and culturally sensitive is absolutely critical to any patient’s well-being. One of the many positive aspects of this bill is that it requires health care providers to make available culturally and linguistically appropriate services and conduct outreach activities before eligible individuals know that services are available. This will enable providers to access and assist diabetics who are not being reached, and who need help.

This bill is a sensible and culturally appropriate solution to effectively treat minorities with the disease. I urge my colleagues to co-sponsor this legislation, and advise Congressional Leadership to move this bill towards swift passage, so we can help make better health care choices and treatment more accessible to minorities living with diabetes.

TRIBUTE TO RA JOY

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Ms. SCHAKOWSKY. Madam Speaker, March 5, 2007 will be both a happy and a sad day for me. On that Monday, Ra Joy, who has served as Suburban Director and Grants Coordinator in my district office for 6 of the 8 years I have served in Congress, will be leaving.

Ra will become Executive Director of the Illinois Arts Alliance, the largest and most prestigious arts advocacy organization in the state. He will follow the widely and highly respected Alene Valkanas who built the Arts Alliance into the preeminent arts advocacy organization in the state. Ra is an artist. His charcoal drawings demonstrate his technical skill, his passions and his politics. He comes from an artistic family—his father, Albert Joy, is a painter, and his sister Ebony Joy is a playwright. His beautiful home, shared with his wife Falona and sons, reflects his artistic sense.

Ra’s connection to the arts community has had special significance for the 9th District, which, before my tenure, was represented for nearly a half century by Sidney Yates. Congressman Yates was revered as a patron of the arts and protector of the National Endowment for the Arts and the National Endowment for the Humanities. My constituents have appreciated my continued focus on the arts, led by Ra Joy.

Ra has served as the Chairman of the annual Ethnic Arts Festival on Evanston’s lakefront, a major event attracting visual and musical artists and craftspeople. He organized the Artistic Discovery competition each year, in which one high school student per Congressional District is selected to have his or her work displayed for a year in the Capitol, making it a significant juried art show. Dozens of students participate in an event at which all of their work is displayed, and all are honored.

I and the rest of my staff will miss his advocacy for the arts as part of our staff, but we rejoice that he is taking his passion to a higher level. We trust that he will now be in a position to offer his assistance as we continue to address the need to support the arts in our community.

I congratulate the Illinois Arts Alliance for its wise decision to choose Ra Joy as its new Director. I wish him great fulfillment and success.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA LEGISLATIVE AUTONOMY ACT OF 2006

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Ms. NORTON. Madam Speaker, today, I am introducing the District of Columbia Legislative Autonomy Act of 2007, to end discriminatory and unnecessary congressional review of District of Columbia legislation. Basic to the meaning of self-government in the United
Congress continues to pursue efficiency and savings. It is time for Congress to do its part to promote greater efficiency both here and in the District by streamlining its own redundant and discredited review process. Eliminating the hold on D.C. legislation would not only save scarce D.C. taxpayer revenue, but would benefit the city's bond rating, which is effected by the shadow of congressional review that delays the certainty of finality to District legislation. At the same time, Congress would not lose one of its plenary power because the Congress may intervene into any District matter at any time under the constitutional provisions.

The limited exception granted in this bill would allow the District to realize the greater measure of meaningful self-government and Home Rule it deserves and has more than earned in the 32 years since the Home Rule Act became effective. This goal can be achieved without prejudice to congressional authority. I urge my colleagues to pass this important measure.

CONGRATULATING GEORGE URIBE AND MARGARET BINFORD
HON. GARY L. ACKERMAN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. ACKERMAN. Madam Speaker, I want to congratulate George Uribe and Margaret Binford who were married last night at St. Patrick's Cathedral in New York. The special moment occurred in Lady Chapel at 7 p.m. surrounded by Margaret's parents, Douglas and Randall Binford who flew in from San Antonio, Texas for the occasion.

The couple walked in the chapel, recited the Lord's prayer with the song "On Eagles Wings" playing in the background as George dropped to his knees and asked Margaret to marry him.

George is an Executive Vice-President and General Manager for a chain of radio stations and former U.S. Army Reserve soldier with the 77th Regional Readiness Command based at Fort Totten and Margaret is an interior designer and member of the Junior League.

Madam Speaker, I, along with the whole House, congratulate George and Margaret on their recent nuptials and wish them happiness and love all the days of their lives.

A TRIBUTE TO DICK RICE
HON. BILL SHUSTER
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 14, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor the memory of Mr. Dick Rice of Bedford, Pennsylvania. Mr. Rice was a longtime Commissioner of Bedford County before his passing last spring. He was known for his boundless energy, his optimistic attitude, a wonderful singing voice and the many issues he championed as a leader of his community. One of those issues dear to Mr. Rice was education. He believed strongly in the importance of providing a high quality of post-secondary education at an affordable cost. But he also showed his commitment by making a real difference in the lives of students. He found joy in presenting students with scholarships, tuition assistance awards, and emergency book funding.

Mr. Rice played a critical role in the development of the Bedford County Campus of Allegany College. By serving on the Bedford County Regional Education Foundation he was able to help make significant accomplishments. When the Bedford County Campus was founded in 1990, Bedford County ranked 64th out of 67 Pennsylvania counties in the percentage of high school graduates pursuing post-secondary education. Today, Bedford County is ranked 34th. The presence of a local campus has encouraged many area students to begin or continue their educational journeys closer to home. In 1990, more than 6,500 people have taken classes through the Bedford County Campus. The Foundation has worked to provide more than $190,000 to more than 700 of those students over the past 11 years.

It is fitting that the Foundation has now established the Dick M. Rice Memorial Scholarship Endowment, to benefit Bedford County residents who attend Allegany College.

To cite each accomplishment and individual contribution that Dick Rice made would take a very long time. His involvement in the educational community over the years has been immense and has touched numerous lives. We are all very grateful for his effort to provide positive enrichment to Bedford County, and I offer my sincerest sympathies for the loss of such a great citizen.

TRAGEDY IN KOHJALY, AZERBAIJAN
HON. BILL SHUSTER
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. SHUSTER. Madam Speaker, one of our greatest strengths as elected officials is the opportunity to bring to light truths that are little known and command recognition.

Today as the Co-chairs of the House Azerbaijan Caucus, I would like to bring to the attention of this body the tragedy that took place in Khojaly, Azerbaijan, a town and townspersons that were destroyed on February 26, 1992. Fifteen years later, there is little attention or interest paid to the plight of Khojaly outside of Azerbaijan.

Sadly, Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the control of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians.

According to Human Rights Watch and other international observers, the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. This crime led to the death of 613 civilians including 106 women, 63 children and 70 elderly men; 1,275 persons were taken hostage, and the fate of more than 150 remains unknown.

As part of the population tried to escape the town of Khojaly, they encountered violent ambushes and were murdered. According to the Russian organization, Memorial, 200 Azerbaijani corpses were brought from Khojaly to Agdam within four days, and it was discovered that they were subjected to abuses, torture and mutilation. Human Rights Watch stated that "we place direct responsibility for the civilian deaths with Karabakh Armenian forces."

At the time, Newsweek Magazine reported: "Azerbaijan was a chanel house again last week as a place of mass executions and dozens of manged corpses dragged to a make-shift morgue behind the mosque. They were ordinary Azerbaijani men, women and children.
of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped."

Time Magazine stated “While the details are argued, this much is plain: something grim and unspoken happened in the Armenian-occupied enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown.”

Members of the Parliamentary Assembly of the Council of Europe (PACE) from Albania, Azerbaijan, and the United Kingdom stated in May 2001 in Written Declaration No. 324 that the “Armenians massacred the whole population of Khojaly and fully destroyed the town.”

Khojaly was the first significant Armenian settlement overrun by Armenian forces in the region of Nagorno-Karabakh. The forces next overran the Nagorno-Karabakh districts of Zangilan, Gubadli, Fuzuli, Aghdam, and Kalbajar, as well as the towns of Shusha and Lachin. Altogether, the occupied territories represent roughly 20 percent of the territory of Azerbaijan. And, altogether roughly one million Azerbaijanis were evicted from their homes over the course of the Armenian-Azerbaijan war.

On January 25, 2005 the Parliamentary Assembly of the Council of Europe overwhelmingly adopted a resolution highlighting that “considerable parts of Azerbaijan’s territory are still occupied by the Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region.”

Armenian Defense Minister, in an interview with British journalist Tomas de Waal openly admitted that “Before Khojaly the Azerbaijans thought that . . . the Armenians were people who could not raise their hands against the civilian population. We were able to break that [stereotype].” Madam Speaker, the tragedy of Khojaly was a crime against humanity and I urge Congress to join me in standing with Azerbaijanis as they commemorate this tragedy.

INTRODUCING THE SANCTITY OF LIFE ACT AND THE TAXPAYER FREEDOM OF CONSCIENCE ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PAUL. Madam Speaker, I rise today to introduce two bills relating to abortion. These bills stop the federal government from promoting abortion. My bills accomplish this goal. The first bill stops the federal government from prohibiting federal funds from being used for population control or “family planning” through exercising Congress’s constitutional power to restrict federal court’s jurisdiction by restoring each state’s authority to protect unborn life.

Abortion on demand is no doubt the most serious sociopolitical problem of our age. The lack of respect for life that permits abortion significantly contributes to our violent culture and our careless attitude toward liberty. Whether a civilized society treats human life with dignity or contempt determines the outcome of that civilization. Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are on the slippery slope of a society that condones human experimentation. Although the real problem lies within people’s hearts and minds, the legal problems of protecting life stem from the ill-advised Roe v. Wade ruling, where the court usurped the state’s authority over abortion.

One of the bills I am introducing today, the Sanctity of Life Act of 2005, reverses some of the damage done by Roe v. Wade. The Sanctity of Life Act provides that the federal courts of the United States, up to and including the Supreme Court, do not have jurisdiction to hear abortion-related cases. Congress must use the authority granted to it in Article 3, Section 1 of the Constitution to rein in rogue federal judges from interfering with a state’s ability to protect unborn life.

In addition to restricting federal court jurisdiction over abortion, Congress must stop the unconstitutional practice of forcing Americans to subsidize abortion providers. It is not enough to say that “family planning” groups may not use federal funds to perform or promote abortion. After all, since money is fungible, federal funding of any activities of these organizations forces taxpayers to underwrite the organizations abortion activities. This is why I am also introducing the Taxpayer Freedom of Conscience Act. The Taxpayer Freedom of Conscience Act prohibits any federal official from expending any federal funds for any population control or population planning program or any family planning activity. To paraphrase Thomas Jefferson, it is “sinful and tyrannical” to force the American taxpayers to subsidize programs and practices they find morally abhorrent.

Madam Speaker, it is my hope that my colleagues will join me in support of these two bills. By following the Constitution and using the power granted to the Congress by the Constitution, we can restore respect for freedom of conscience and the sanctity of human life.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CHARLIE NORWOOD, MEMBER OF CONGRESS FROM THE STATE OF GEORGIA

SPÉECH OF
HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, I am proud to honor the memory of CHARLIE WHITLOW NORWOOD, Jr. and his living legacy.

RECOGNIZING THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize the Uni-Capitol Washington Internship Program. Since the program’s inception in 2000, I have been a proud participant.

For the past seven years, 12 students from all across Australia are selected to participate in the eight-week Uni-Capitol Washington Internship Program, an opportunity that exposes them to the administrative and legislative processes that underpin the functioning of Congress as a democratic institution. Such experiences are invaluable opportunities for these students to gain knowledge and a deep understanding of the internal workings of the United States Government while bringing their own skills and backgrounds to their respective Congressional offices.

The Uni-Capitol Program selects undergraduates from 7 universities by exclusively matching the applicants with Members and Senators who share their views, as well as with their various committee offices that relate to their interests and fields of study. The students who are selected come from a variety of academic disciplines, but all have a common interest in learning about and promoting the
U.S.-Australia relationship. These student placements are enhanced by the formation of genuine friendships and the exchange of views and ideas between the Australian interns and their respective offices. I continue to enjoy the interaction that frequently occurs between Australian and American interns. This, my colleagues, is how we build diplomatic relationships which will ensure that the U.S. and Australia remain friends and allies for years to come.

For the past two months, my office has had the good fortune of hosting an amazing young woman from Australia, Anu Ambikaipalan, who is completing a double degree in law and international studies at Deakin University. Throughout the duration of Anu’s tenure in my office, she has conducted herself admirably. Her willingness to learn and contribute to the legislative process through crafting legislation for the state of Florida as well as nationwide, has cemented a relationship indicative of the one the U.S. and Australia have shared for many years. Anu has fast become an asset to my staff and we will be sorry to see her go. Anu is participating with 11 other very qualified students. Emmanuel Rohan from the University of Queensland is in Representative MIKE CASTLE’s office; Sylvia Gaston from the University of Melbourne is in Representative JAMES CLYDE’S office; Chair Treen from the University of Queensland is in Senator MIKE CRAPO’s office; Nicole Woodmansey from Griffith University is in Senator CHRIS TOPHER DODD’s office; Claire Ashby from the University of Melbourne in the office of Rep. PHILIP ENGEL; Mandy Keenan of Queensland is in Representative SAM FARRE’s office; Nisha Sundaresan from Deakin University is in Senator CHUCK HAGEL’s office; Megan Bainbridge from the University of Melbourne is in Representative JERROLD NADLER’s office; Stuart Broadfoot from the University of Western Australia is in Representative ILEANA ROS-LEHTINEN’s office; Jennifer Grant from the University of Queensland is in Representative LORETTA SANCHEZ’s office; Michael Ng from the University of Melbourne is with the House Transportation and Infrastructure Committee’s majority staff.

As we move to acknowledge the seventh successful year of this program, I would like to commend the founder and director the UniCapitol Internship Program, Eric Federinc. Eric is a former senior House and Senate staffer of more than a dozen years, who successfully combined his experience in Washington with his extensive travels and lectures throughout Australia into an ingenious program of diplomatic exchange through cultural appreciation and understanding. I heartily congratulate him on making this reality. This program is the right step in the direction of supporting our young people who have a passion for and commitment to civic engagement and public service.

Over the years, my staff and I have greatly benefited from participating in this program. As I believe it continues to provide a unique and important bridge between the United States of America and Australia in many respects, especially in the arena of promoting people to people relationships that are just as key if not more than our military and economic relationships. In years past and I say it again: I implore my colleagues to participate in this worthwhile program when the opportunity is made available.

IN HONOR OF MS. VINNIE MALLOY, NEW YORK DISTRICT MANAGER/POSTMASTER, UNITED STATES POSTAL SERVICE

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. NADLER. Madam Speaker, I, along with Mr. RANGEL and Mrs. MALONEY rise today to congratulate Ms. Vinnie Malloy on the occasion of her retirement from the United States Postal Service.

Ms. Malloy has broken many barriers throughout her career, which has been marked by excellence. From December 1998 until her retirement on February 2, 2007, Ms. Malloy served as the 37th District Manager and New York City Postmaster, the first woman to hold that distinction. In this position, Ms. Malloy was responsible for the delivery of mail and customer service for millions of residents and business customers in New York City. She managed 202 post offices, 46 stations and 15,000 employees.

Ms. Malloy joined the Postal Service in 1969, at age 21, as a Substitute Distribution Clerk in the James A. Farley Building. In the years that followed, Ms. Malloy held several positions in the Postal Service, including the historic first female Tour Director and Mail Processing Operations Manager in the New York District, as well as first female Bronx Postmaster.

Throughout mentoring and training, Ms. Malloy has assisted and encouraged many of her employees to seek positions. She has one son and serves on the Senior Usher Board of the Cambria Heights Community Church in Queens, NY.

We are very grateful to Ms. Malloy for her assistance with the hundreds of constituent concerns we have brought to her attention over the years. We wish every government office were as responsive as Ms. Malloy and her staff have been. No matter how big or small the issue, our constituents have always been treated promptly and courteously. During her nearly 38 year career, she has been committed to the residents of Manhattan throughout her work in the United States Postal Service.

Ms. Malloy paved the way for other female Postal Service employees, and is an inspiration and role model for all women. For her commitment to the Postal Service and her community, it is our privilege to congratulate Vinnie Malloy on her distinguished record of excellence and achievement and upon her retirement.

FREEDOM FOR RAFAEL BENÍTEZ CHUI

HON. LINCOLN DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Rafael Benítez Chui, a political prisoner in totalitarian Cuba.

Mr. Rafael Benítez Chui is a father of three and a peaceful pro-democracy activist in totalitarian Cuba. Mr. Benítez Chui knows with complete certainty that Cuba must be liberated from the nightmare that is the Castro regime in order for his children and for all the children of Cuba to be able to live in freedom, with the ability to exercise their most basic human rights. Because of his belief in freedom, democracy and a better future for his children, Mr. Benítez Chui became a target for the tyrant’s machinery of repression.

As a result of the dictator’s condemnable March 2003 crackdown on peaceful pro-democracy activists, Mr. Benítez Chui, along with his wife Magdalia Hernández Enamorado, went to a police unit in Guantánamo to protest the arrest of two of their fellow pro-democracy leaders, Manuel Ubals and Juan Carlos Herrera Acosta. Unfortunately, on March 19, 2003 shortly after arriving at the police unit, dictator’s thugs arrested both Mr. Beñitez Chui and his wife while they peacefully protested the unjust treatment of their fellow human rights activists.

Unfortunately, their peaceful protest was justification enough for the communist regime to incarcerate Mr. Benítez. On September 18, 2003, after 7 months confinement to a hellish existence in the totalitarian gulag, 7 months after his initial detention, Mr. Benítez Chui was finally, in a sham trial, “sentenced” to 4 years for the alleged crime of “attending a political meeting without permission.”

Since his incarceration, Mr. Benítez Chui has endured an inhuman horror in the dictator’s gulag. In 2004, he was severely beaten by regime thugs and robbed of his few personal belongings. When Mr. Benítez Chui attempted to defend himself against the brutal assault, he was placed in a so-called “punishment cell”. These “punishment cells” are usually located in the basements of prisons, with continuous dark conditions, no available water, and a hole in the ground for a toilet. Despite nearly 4 years of brutal, life threatening conditions and continued psychological torture, Mr. Benítez Chui has never wavered in his commitment to the freedom of all the Cuban people. He has never lost his hope that one day his three children will live in a democratic Cuba free of the murderous totalitarian regime that has oppressed Cuba for almost half a century. Mr. Benítez is one of the many heroes of the Cuban pro-democracy movement who are locked up in the dungeons of the dictatorship for believing in a better life for the Cuban people, all of whom are trapped in the horror of the brutal tyranny.

Madam Speaker, Mr. Benítez Chui is representative of the best of the Cuban people, their dignity and their thirst for freedom and democracy. It is unconscionable, in the 21st century, for the world to stand by in silence while valiant men and women are caged by a demented and vile oppressor simply for peacefully expressing opinions. We must demand the immediate freedom of Mr. Benítez Chui and all the prisoners of conscience in totalitarian Cuba.

PROJECT BIOSHIELD MATERIAL THREATS ACT OF 2007

HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to introduce the Project BioShield Material Threats Act of 2007.
The BioShield Program was created to develop and procure medical countermeasures against dangerous chemical, biological, radiological and nuclear (CBRN) agents. The Department of Homeland Security is responsible for determining threats posed to our country by these agents, and for taking specific steps to protect citizens from these harms. While I fully support the mission of BioShield, the program has encountered several problems since it was enacted nearly three years ago.

One major shortcoming of the program is a lack of efficiency in the assessment of threats. Rather than examining each threat individually, we should be looking for ways to properly group these threats together, so that we can develop appropriate countermeasures to combat multiple threats. My colleagues and I are introducing this legislation to improve and expedite the Department’s conduct of Material Threat Determinations (MTD) and the more in-depth Material Threat Assessments (MTA). These MTDs and MTAs will promote a more strategic use of our Nation’s resources when procuring medical countermeasures and will ultimately lead to a safer and more prepared public health infrastructure.

To date, DHS has completed fifteen MTDs. It took well over one year to complete the first six, but the pace picked up considerably since a shift towards in-depth risk assessments of twenty-nine top threat agents listed by the Centers for Disease Control. The Department leveraged those risk assessments to more quickly complete the next round of MTDs. Soon the Department plans another round of risk assessments, which will include chemical and biological agents. I hope this bill sends a clear message to the Department that we in Congress want to support and improve upon their recent efforts.

Risk is assessed based on a combination of threat, vulnerability, and consequences, and we should encourage the Department to use threat information contained in existing risk assessments to inform and expedite the MTD/MTA process. This bill promotes the use of existing risk assessments if those assessments are considered credible by the Secretary.

Another way to both accelerate and leverage assessments is to conduct them in groups, either by the physical or genetic similarity of the agents themselves or the symptoms they cause. Countermeasures that address more than one threat agent are commonly referred to as “broad spectrum medical countermeasures,” and these should be the gold standard for efficient use of BioShield resources. We must move beyond the current “One Bug, One Drug” approach we currently use to fund for many Bugs and not that broad spectrum countermeasures offer.

Finally, we all know that time is of the essence as we work to address those agents we already know and ensure we are prepared for emerging threats. The legislation I am introducing today recognizes the need for MTDs and MTAs. I am also introducing legislation for CBRN agents that the Secretary determines to be capable of significantly affecting national security to be completed by December 31, 2007.

Madam Speaker, this bill will aid the Department of Homeland Security in conducting threat and risk assessments, which is the first step to countermeasure procurement. We must address those agents—known and emerging, natural or engineered—that present the highest risk to our citizens, and we must do it quickly. Passage of this measure will help advance and improve that process, and I urge my colleagues to join me in supporting this legislation.

A TRIBUTE TO THE BIRTH, LIFE, AND LEGACY OF BOB MARLEY

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to celebrate the 62nd anniversary of the birth, life and legacy of renowned musician, champion of peace, and provocateur of thought, Bob Marley. His music stirred emotions of love; his life inspired the hope of peace. February 6, 1945 marked the beginning of his journey as an ambassador of humanity. Bob Marley was with us such a short time, but left such a rich legacy. Today, we come together to ask ourselves what greatness we would have seen if he had lived a full life. We are sad that he died so young and that after all these years he would have just turned 62 this month.

Bob Marley’s international appeal is due to his commitment to mankind. He awakened the consciousness of society as a spokesperson for equality in Africa and for the poor and underprivileged across the world. His efforts to shine a light on the darkest regions across the globe gave a platform to the voiceless to let their stories be heard. Bob Marley was an activist of world peace, and he encouraged us that if we come together “we can make it work.”

Bob Marley’s ability to empathize with the plight of the poor and destitute is a characteristic that we all must internalize. When we are faced with the widening gap of the haves and have-nots, with our neighbors affected by Hurricane Katrina, and with the citizens of Haiti and Darfur, we must have the compassion and the courage to ensure that all are given the opportunity to live fulfilling lives.

With the revolutionary spirit of Marcus Mosiah Garvey, Bob Marley empowered us to realize our inner strength and to continually strive for spiritual maturity. His famous lyrics in “Redemption Song” gave insight in overcoming inner dissidence, advising to “Eman-cipate yourselves from mental slavery, none but ourselves can free our minds.” His conviction to personal growth was seen in his commitment to the principles of his faith, and his unyielding desire for others to become fully actualized human beings.

Having a special talent to recreate the scenes of everyday life, Bob Marley gave us the opportunity to experience the joy, love, pain, and redemption that characterize our humanity through his music. With a message which transcends the reality of which he sung, he speaks to us in this day and time as meaningfully as he did when he lived, leading us to reflect on the complexities of our world, and the enjoyment of the pleasures in our lives.

His numerous awards and accolades reflect his dedication to creating music and a message understood by culture, race, time, space. He was awarded, among others, the album “One Love” was voted as the most popular international song of the 20th century. Bob Marley’s music lives on to remind us to strive for peace in our society and within ourselves. Because of his contribution to the world of music and the consciousness of humanity, I celebrate the birth, life, and legend of Bob Marley.

INTRODUCING THE FOSTER CHILDREN SELF SUPPORT ACT

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. STARK. Madam Speaker, I rise today to introduce the “Foster Children Self Support Act.” This bill will codify into federal law what should be common sense: abused and neglected children should not be used as a funding stream for states that should be acting in the best interests of these extremely vulnerable children.

In nearly every state in the country, foster children eligible for Social Security benefits because of a disability or the loss of a parent are having those benefits taken by the very state agencies charged with providing for them. The “Foster Children Self Support Act” would end that practice. Instead, it would require states to use a child’s Social Security benefits to meet the immediate needs of that welfare recipient. In addition, it would allow states to use the child’s Social Security benefits to assist the child with transitioning to adulthood when that child emancipates from care.

The Congressional Research Service (CRS) estimates that approximately 30,000 foster children (out of 500,000 nationwide) receive Social Security benefits. These “payees” are usually state welfare agencies charged with providing for children. The “Foster Children Self Support Act” would ensure that the children’s benefits are spent for the child’s benefit, not the welfare agency’s benefit. Because the welfare agency controls the benefits they are free to use them however they please.

In this manner, state welfare agencies take an estimated $156 million per year from foster children. The practice has devastating consequences, as evidenced by the case of “John G.,” a foster child in North Carolina. John was willed a house when his adoptive father died of cancer. The house had a $221 monthly mortgage. Luckily for John he was entitled to approximately $560 in Social Security benefits. OASDI (Old Age, Survivors, and Disability Insurance) benefits each month. Unfortunately, hardly any of these children will benefit from these funds. Nor will the children have the option to save the money as a nest egg for when they grow up. Once the welfare agency controls the child’s Social Security benefits, often, neither the child nor the child’s advocate knows that Social Security benefits are being spent to the child’s benefit. Once the welfare agency controls the benefits, they are free to use them however they please.

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abuse. For example, they suffer from Post Traumatic Stress Disorder (PTSD) at a rate twice as high as Iraq War veterans. Then, when children emancipate from care they are dependent on public assistance, become incarcerated or homeless, and are unemployed at rates higher than nearly any other group of Americans. The “Foster Children Self Support Act” is especially important since it is safe to assume that those children who have lost their parents or are receiving SSI due to severe mental or physical disabilities are among the most needy.

The “Foster Children Self Support Act” provides a way to help these children. It does so by mandating that states develop a plan for foster children with Social Security benefits. The plan would layout how to best use a child’s Social Security benefits as a resource to best meet the current and future needs of that child. The plan must be specific to each child receiving Social Security benefits and made in partnership with the child and the child’s advocate. If this bill were law, states would no longer be allowed to simply use children’s Social Security money as they see fit. Instead, states would have to use the children’s Social Security money in dedicated accounts that a child would be able to use as any parent would use it: to provide for the child’s particular needs and help plan for the child’s future.

The bill will:

Require that states screen all foster children for Social Security eligibility and assist them in application;

Require states to identify other appropriate representative payees for eligible children, such as family members, before becoming the payee themselves;

Prohibit states who are payees from using a child’s Social Security benefits to reimburse themselves for the cost of foster care;

Require states to develop a plan, with a child and that child’s advocate(s), on how to best use the Social Security benefits to provide for the current and future needs of the child;

Provide for the conservation of Social Security funds in dedicated accounts that a child can access when they leave care to pay for things like housing, education, transportation, and other life expenses;

Increase the Social Security resource limit to $10,000 (currently it is $2,000), so that children can conserve up to that amount and still maintain their Social Security eligibility;

Require the GAO to report back to Congress on states’ progress in screening all foster children for Social Security eligibility.

Improving our child welfare system has repercussions throughout our society. Foster children who age out of the child welfare system without having developed family supports or skills that can lead to employment create a large societal cost. In the next 15 years, 300,000 foster children will age out of care without any transition supports. Congress has a moral obligation to provide foster children with the resources they need to become independent adults. The “Foster Children Self Support Act” is a small part of fulfilling this obligation and a large step toward helping one of the most vulnerable groups of foster children.

Attached are two news articles for the RECORD that illustrate the consequences of our current policy.

I urge my colleagues to cosponsor this important piece of legislation that would greatly assist in improving the capacity of our Government to respond to some of the most important and pressing security threats of our time.

TRIBUTE TO JONATHAN QUARLES

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize Jonathan Quarles, the keynote speaker at the Flint NAACP’s Freedom Fund annual dinner to be held on March 3rd in Flint Michigan.

Jonathan Quarles is currently serving the mayor of Detroit, the Honorable Kwame Kilpatrick, as the executive assistant. Jonathan began his public service career after graduating from Florida A&M University in 2004 with dual degrees in business administration and political science. He worked for People for the American Way Foundation in partnership with Tavis Smiley to increase civic awareness and engagement in the public process by young people in Florida, Michigan, Illinois, Texas and Ohio.

In addition to his current position with the city of Detroit, Jonathan has a lifelong commitment to the NAACP, is a member of Alpha Phi Alpha Fraternity Incorporated Beta Nu Chapter. He serves as a precinct delegate for the city of Detroit, as board member of Leadership Transformation, a steering committee member for New Detroit National Leadership Summit on Race, a trainer for the Paul Wellstone Action Network, and an ambassador for Tavis Smiley’s Youth 2 Leaders Foundation. Recently Jonathan founded Common Link Consulting Services to better educate the community about public policy and foster links between the public and private sectors.

Recognized for his accomplishments, Jonathan was selected by Black Enterprise as one of America’s emerging leaders. He was recognized by Jet Magazine as one of Black America’s most promising leaders of the 21st century. The Governor of Michigan named him a “Michiganan of the Year” in 2000 and Florida A&M University has granted the Martin Luther King, Jr. Leadership Award to Jonathan for two consecutive years. The February 2007 issue of Ebony Magazine listed him as one of the country’s top 30 leaders under the age of 30.

Madam Speaker I ask the House of Representatives to join me in congratulating a fellow Flint native, Jonathan Quarles, as he is honored by the Flint Chapter of the NAACP for his work to make our community a better place.

PAYING TRIBUTE TO STEVEN G. SCHORR

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Steven G. Schorr, Vice President of Public and Government Affairs for...
Cox Communications, whose civic and professional contributions to Southern Nevada have motivated the Clark County School Board of Trustees to name a new elementary school in his honor. Steven has been a vital part of our community since he and wife, Holly, moved to Las Vegas with their two sons, David and Darrin in 1977.

Mr. Schorr’s remarkable civic involvement has earned him much deserved recognition. He has been named Public Citizen of the Year in Nevada and was cited as “One of the Most Influential Men in Southern Nevada.” Mr. Schorr has also received the Glenn Smith Humanitarian Award from Opportunity Village and was named to the “National Erase the Hate” honor roll. He was presented the Nevada Points of Light Award by former Governor Kenny Guinn and the Nevada Commission for National and Community Service for his dedication and commitment to serve our community. In acknowledgement of his contributions to the community, Mr. Schorr was recently inducted as an honorary board member and executive board member of the 100 Black Men of Southern Nevada, which is an organization geared towards mentoring children. Mr. Schorr serves on several boards such as the National Urban League, Nevada Ballet Theater, and Sunrise Hospital and Medical Center.

As Vice President of Public and Government Affairs for Cox Communications for the past 19 years, Mr. Schorr is the liaison to local, state and national elected officials and government bodies. Prior to his work with Cox Communications, Mr. Schorr was a television news journalist, during which time he received wide recognition for his outstanding work. For his efforts as a news anchor, Mr. Schorr was awarded two Emmys, two National Freedom Foundation Awards, a Headliner Award, and an Armstrong Award for Broadcasting. In addition to these awards, Mr. Schorr’s achievements in television journalism were recognized when he was inducted into the Nevada Broadcasters Association’s Hall of Fame. Mr. Schorr has also served as an adjunct professor at the University of Nevada Las Vegas, Greenspun School of Communications.

Madam Speaker, I am proud to honor my friend Mr. Schad. He has many achievements and congratulate him on being recognized with the dedication of a school in his name. His dedication to the community is remarkable and I wish Mr. Schorr continued success in his future endeavors.

INTRODUCTION OF THE SIMON WIESENTHAL HOLOCAUST EDUCATION ASSISTANCE ACT

HON. CAROLYN B. MALONEY OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing the Simon Wiesenthal Holocaust Education Assistance Act. Through grants to qualifying education organizations, I hope to promote awareness of the Holocaust and the devastating effects of hate crimes. As the generations who survived the Holocaust are passing away, we need to make sure that new generations know the horrors of that terrible time. We need to make sure that those who would deny the existence of the Holocaust do not have the ability to rewrite history. This bill, named after the honored Holocaust survivor who spent his life’s work devoted to seeking justice for the six million Jews who were murdered by the Nazis, seeks to provide competitive grants to educational organizations working to teach the lessons of the Holocaust. Through grants from the Department of Education, Holocaust organizations that are designed to specifically improve the awareness of the Holocaust through such means as classes, seminars, conferences, educational materials, and teacher training, can apply for federal funds to assist in carrying out these initiatives.

Several states now require that the Holocaust be taught in public school curriculums. Though there are resources such as the Holocaust Memorial Museum here in Washington, DC, and similar museums in a few other cities, many teachers are still left with the challenge of teaching a complicated subject without the expertise. Many Holocaust educational organizations have risen to meet this demand, but their resources are limited, hindering their outreach. This bill will provide more resources to these organizations, who have the expertise and knowledge of the tragic events during the Nazi era, to teach more students, teachers and communities the dangers of inter-group conflict and the importance of tolerance in our society.

HONORING MICHAEL B. SCHAD FOR 35 YEARS OF SERVICE TO THE UNITED STATES

HON. PATRICK J. MURPHY OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. PATRICK J. MURPHY of Pennsylvania.

Mr. SCHAD first served four years with the U.S. Navy during the Vietnam War. Upon returning home, Mr. Schad joined the National Guard and worked tirelessly, many times volunteering for extra duty. When there was a call for help to guard a nuclear facility in New Jersey, Mr. Schad stepped up. When Hurricane Katrina ravaged the Gulf Coast, Mr. Schad joined the relief effort without hesitation. Mr. Schad filled in at supply commands at Fort Dix, McGuire Air Force Base and in Germany. Yet through all of this, Mr. Schad maintained a full-time job and raised a family, a tremendous feat given his level of commitment to the National Guard.

Madam Speaker, the eagerness with which Mr. Schad served his country is the very trait that serves as the backbone of the National Guard. His willingness to stand at his country’s guard, while at the same time underwriting the rest of his responsibilities, deserves special appreciation and respect. I would like to take this opportunity to recognize Mr. Schad for what at many times may have seemed like a thankless task. Mr. Schad was not seeking praise or reward, but only the unique feeling of satisfaction that comes with serving your country and making it safer for others.

Mr. Schad has passed these principles on to his sons, U.S. Army Sgt. Brian Schad, who will soon be deployed to Afghanistan after serving in Djibouti, Africa. We owe a debt of gratitude to families such as the Schads, who have taken up their country’s call. Madam Speaker, I am proud to express the gratitude and affection of myself and my constituents to Mr. Schad and his entire family.

TRIBUTES TO COLORADO STATE SENATOR JOHN EVANS

HON. MARTYN M. MUSGRAVE OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor former Colorado State Senator John Evans.

A fifth generation Coloradan, Mr. Evans’s contributions to the State of Colorado are innumerable.

After graduating from Lakewood High School, Mr. Evans earned a Bachelor of Arts degree from the University of Denver. He later completed his Masters of Education and Ph. D. at Georgia State University, in Atlanta. In 1986, Mr. Evans graduated from Valparaiso University School of Law.

For over twenty-three years Mr. Evans devoted his talents to serving in both the public and higher education arenas. Drawing on this experience, he served as an at-large member of the State Board of Education for four years. During his tenure Mr. Evans was a leader in making Colorado a national leader in school reform.

Mr. Evans continued his work as a champion of Colorado school children in the state Senate. In addition to his work on education issues, he also served as Assistant Majority Leader, Chair of the Legal Services Committee, and Vice-Chair of the Finance Committee.

Madam Speaker, Mr. Evans’s service to the people—especially the students—of Colorado will not soon be forgotten. I urge my colleagues to join me in recognizing Mr. John Evans.

PAYING TRIBUTE TO ROSSI RALENKOTTER

HON. JON C. PORTER OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to recognize and honor my friend Rossi Ralenkotter for his commitment and dedication to the Las Vegas community.

Rossi Ralenkotter has been a resident of Las Vegas for over 54 years. During this time, Rossi earned his bachelor of science in marketing from Arizona State University and his master of business administration from University of Nevada Las Vegas. He has worked with the Las Vegas Convention and Visitors
Madam Speaker, I rise before you today to recognize Zach Cohen, an extraordinary young man from Lower Makefield, Pennsylvania. Through his involvement with Operation DVD, Zach has shown exceptional selflessness and caring, well beyond his years.

The Charles Boehm Middle School seventh grader wrote me recently to promote the project, excited to help our community show support for troops overseas. Operation DVD was started by AMVETS, a national veteran’s organization. Those running the project collect new or used DVDs and CDs, which are sent abroad to our service men and women. The goal of Operation DVD is to send over one million discs to soldiers in Iraq and Afghanistan, where outdoor recreational activity comes at great risk. By providing soldiers with music and movies, they can enjoy what little free time they might have in safety.

Zach became involved with the project when he was researching a community service project to complete in preparation for his Bar Mitzvah. He felt his love for movies and music would be shared by our men and women fighting overseas. But most important, Zach’s attitude showed appreciation and maturity that hopefully rubs off on others his age. Zach wrote in his letter, “I also think it’s very important to support our troops and thank them for all that they do for our country. And I thought it was great that I had found a way to do a lot of good without having to ask people for money.”

Madam Speaker, we should all share this genuine thoughtfulness and consideration, especially for men and women who have sacrificed so much. And as someone who served in Baghdad only three years ago, I can attest to the affect these acts of generosity have on morale.

From the moment Zach discovered Operation DVD, he showed tremendous determination in spreading the word. He attended a Lower Makefield Township Supervisors meeting. He was featured in articles by the Yardley News and the Trend Midweek. He has sent letters to Bucks County school districts and various community organizations. Madam Speaker, Zach’s tireless efforts represent the potential of our youth for contributing to our communities through selfless and noble acts.

**TRIBUTE TO ARNOLD GERMANN**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, February 15, 2007**

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise before you today to pay tribute to Arnold Germann on the occasion of his retirement from the Farm Service Agency after 35 years of service. Since December of 1971, when he began as a County Office Manager trainee, he has dedicated his professional life to the Farm Service Agency. He became very effective in his first position as the Office Manager in El Paso County. After serving in El Paso County for a short time, he decided to give up his position and go to Weld County to manage the county office with the largest workload in the State.

Arnold has seen the office through numerous changes. When he started, farm programs in Weld County were limited to dryland farms. Through the years, the situation has changed dramatically and now nearly every farm in Weld County is enrolled in some sort of farm program.

Over the years, Mr. Germann has served on many State and National Committees to help develop ways to administer Farm Programs more efficiently. His impressive efforts earned him numerous leadership positions including President of the Colorado Association of County Office Employees from 1979 through 1982 and the Legislative Committee chair from 1987 to 1991. His outstanding work has been acknowledged with numerous awards including the 1976 Pro Employee award and the 1983 Service to Colorado Association of County Office Employees distinguished service award.

Mr. Germann has served the Farm Service Agency and the agricultural producers of Weld County with great dedication over these many years. I extend my heartfelt thanks to him for a lifetime of service.

**HONORING ZACH COHEN FOR HIS WORK WITH OPERATION DVD**

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Over the years, Mr. Germann has served on many State and National Committees to help develop ways to administer Farm Programs more efficiently. His impressive efforts earned him numerous leadership positions including President of the Colorado Association of County Office Employees from 1979 through 1982 and the Legislative Committee chair from 1987 to 1991. His outstanding work has been acknowledged with numerous awards including the 1976 Pro Employee award and the 1983 Service to Colorado Association of County Office Employees distinguished service award.

Mr. Germann has served the Farm Service Agency and the agricultural producers of Weld County with great dedication over these many years. I extend my heartfelt thanks to him for a lifetime of service.

**HONORING ZACH COHEN FOR HIS WORK WITH OPERATION DVD**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, February 15, 2007**

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise before you today to recognize Zach Cohen, an extraordinary young man from Lower Makefield, Pennsylvania. Through his involvement with Operation DVD, Zach has shown exceptional selflessness and caring, well beyond his years.

The Charles Boehm Middle School seventh grader wrote me recently to promote the project, excited to help our community show support for troops overseas. Operation DVD was started by AMVETS, a national veteran’s organization. Those running the project collect new or used DVDs and CDs, which are sent abroad to our service men and women. The goal of Operation DVD is to send over one million discs to soldiers in Iraq and Afghanistan, where outdoor recreational activity comes at great risk. By providing soldiers with music and movies, they can enjoy what little free time they might have in safety.

Zach became involved with the project when he was researching a community service project to complete in preparation for his Bar Mitzvah. He felt his love for movies and music would be shared by our men and women fighting overseas. But most important, Zach’s attitude showed appreciation and maturity that hopefully rubs off on others his age. Zach wrote in his letter, “I also think it’s very important to support our troops and thank them for all that they do for our country. And I thought it was great that I had found a way to do a lot of good without having to ask people for money.”

Madam Speaker, we should all share this genuine thoughtfulness and consideration, especially for men and women who have sacrificed so much. And as someone who served in Baghdad only three years ago, I can attest to the affect these acts of generosity have on morale.

From the moment Zach discovered Operation DVD, he showed tremendous determination in spreading the word. He attended a Lower Makefield Township Supervisors meeting. He was featured in articles by the Yardley News and the Trend Midweek. He has sent letters to Bucks County school districts and various community organizations. Madam Speaker, Zach’s tireless efforts represent the potential of our youth for contributing to our communities through selfless and noble acts.

**TRIBUTE TO ARNOLD GERMANN**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, February 15, 2007**

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise before you today to honor Arnold Germann on the occasion of his retirement from the Farm Service Agency after 35 years of service. Since December of 1971, when he began as a County Office Manager trainee, he has dedicated his professional life to the Farm Service Agency. He became very effective in his first position as the Office Manager in El Paso County. After serving in El Paso County for a short time, he decided to give up his position and go to Weld County to manage the county office with the largest workload in the State.

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Adams Elementary School in Las Vegas, Nevada and recent recipient of the Milken Family Foundation National Educator Award.

The Milken Family Foundation National Educator Awards program recognizes and rewards outstanding teachers, principals, and education professionals who go above and beyond to achieve excellence in education. Since the first award was presented in 1987, over 2,200 recipients have received this prestigious award. Ms. Johnson was one of the 100 educators chosen for 2006-2007 school year and the 78th Nevada educator to win.

Ms. Johnson’s long career as an outstanding educator and an effective administrator earned her this much deserved national recognition. For the past 17 years, Ms. Johnson has served the Clark County community where her insight, guidance, and leadership have propelled academic improvement in students of all levels and abilities.

As principal of Kirk Adams Elementary School, Ms. Johnson has implemented several programs that have not only inspired student successes but have also enhanced the professional development of the teachers on her staff. Adams Elementary is one of only four schools in the Clark County School District to be designated as an empowerment school. This distinction allows the administrators of Adams Elementary to have more control over the school’s budget and curriculum.

Most notably, under Ms. Johnson’s leadership, the school has seen teacher turnover rate reduce to less than 10 percent. Finally, through the establishment of a Professional Learning Community, Ms. Johnson has created an environment in which teachers, parents, and the community work together to facilitate student success.

Madam Speaker, I am proud to honor Ms. Johnson and her achievements. I wish Ms. Johnson continued success in her career in primary education.

INTRODUCTION OF SEPTEMBER 11TH HUMANITARIAN RELIEF AND PATRIOTISM ACT

HON. CAROLYN B. MALONEY OF NEW YORK IN THE HOUSE OF REPRESENTATIVES Thursday, February 15, 2007

Mrs. MALONEY of New York. Madam Speaker, today I introduce the September 11th Humanitarian Relief and Patriotism Act with Representatives PETER KING, RANGEL, NADLER, SERRANO, ISRAEL, ENGEL, BERMAN, CHAKOWSKY, and HARE.

We are introducing this legislation because the terrorist attacks of September 11, 2001, left many surviving spouses and children of legal employment-based visa holders and undocumented workers in jeopardy of being deported, because their immigration status was linked to a family member who was employed at the World Trade Center.

The USA PATRIOT Act initially gave some immigrants amnesty until September 10, 2002. Others, who were not protected by the amnesty provided by the PATRIOT Act, because they were undocumented, also faced deportation. That law’s long has acted with care by not moving forward with deportation procedures for many of them, but their status nonetheless remains in limbo. This legislation would provide permanent relief for the non-citizen dependents of deceased victim of the September 11, 2001, terrorist attacks, as determined by the September 11th Victims Compensation Fund. These individuals should not be forced to leave the country because of the actions of the terrorists.

Finally, I would like to thank Moshe and Debra Steinberg for their assistance in preparing this legislation for introduction and for all of the work they have done on behalf of the victims of the September 11, 2001, terrorist attacks. I urge my colleagues to support this legislation and urge its swift passage into law.

ONE HUNDRED YEARS OF HOYA BASKETBALL

HON. ELEANOR HOLMES NORTON

Ms. NORTON. Madam Speaker, it is a privilege to call to my colleagues’ attention this year’s 100th anniversary of Hoyas Basketball at Georgetown University here in the Nation’s Capital. Over the last century, the Georgetown Hoyas have had great success on the basketball court. It is much more to the Hoyas than their athletic prowess. The teams have had a strong record of academic success, community service and developing leaders that have served the Nation with distinction.

First, to their success on the basketball court. The Hoyas were the NCAA National Champions in 1984 and have made it to the Sweet Sixteen or beyond in nine NCAA tournaments since 1980. They have played in National Championship games in 1943, 1982, 1984 and 1985. Since the founding of the Big East Conference in 1980, the Hoyas have been six-time Big East Champions. Having played in ten National Invitational Tournaments, in three years, the Georgetown team made it to the NIT Final Four. Former Georgetown head basketball coach John Thompson, Jr., was named Coach of the Year seven times during his career at Georgetown. In 1988, Coach John Thompson, Jr. coached the U.S. Men’s Olympic Basketball team, and six of the last eight U.S. Men’s Olympic teams have included Georgetown Hoyas players or coaches. After completing their careers at Georgetown, many of their players have gone on to success in the NBA including Alonzo Mourning, Dikembe Mutombo, Allen Iverson and Patrick Ewing, to name just a few.

Georgetown athletics have also been committed to ensuring the academic success of their players. In fact, during the years when Coach John Thompson, Jr. led the team to win after win on the basketball court, he also focused on ensuring that his players succeeded in the classroom. Of 78 players who stayed at the University for four years during the years that John Thompson, Jr., led the team, 76 received their degrees for a 97% graduation rate. Since being under the coaching of Craig Esherick and John Thompson, III, the Hoyas have maintained that same commitment to ensuring the academic success of their players on the court.

In addition to the Georgetown Hoyas who have gone on to professional basketball careers of significant renown, two former Georgetown team members are names all of us in the Congress will recognize. First, our former colleague who just retired earlier this year after a long career in this chamber, the Honorable Henry Hyde of Illinois, played on the first Georgetown Hoyas team to play in a National Basketball Association game. Interestingly, in the House, Congressman Hyde served with distinction both as Chairman of the House Judiciary Committee and of the House International Relations Committee. The other familiar name, Paul Tagliabue, served as Commissioner of the National Football League from 1989 through September, 2006. Mr. Tagliabue graduated from Georgetown in 1962 and subsequently earned a law degree from New York University School of Law. His record of rebounds remains in the top 20 through Georgetown Hoyas history.

It is also heartening to know that this team has a long record of community service here in the District of Columbia as well as nationally and internationally. Since 1980 when the Hoyas began playing in arenas off campus with adequate space, it has been Georgetown basketball policy to donate at least 1,000 tickets per game to community groups here in the City. At present, some 80 organizations benefit from those donations in a typical season. Recognizing the importance of developing healthy relationships between young people and law enforcement, the Hoyas partner with the DC Police Department and Coca-Cola each year to sponsor the “Kids ‘n Cops” program when about 1,500 young people from the District attend a Hoyas basketball game with members of the District police force. Also, as part of a broader Georgetown and Washington, DC program known as “GAME,” basketball team members tutor students at the SEED School here in the District.

The experience of engaging in community service has carried forward as Hoyas graduate and go on to their own careers. I will share just a few of many examples of this important legacy of Georgetown basketball. Alonzo Mourning who graduated in 1992, is deeply involved in community programs in South Florida where he now lives with a focus on developing tomorrow’s leaders, education and community building for children and their families. He has also supported kidney research and programming for foster children. Since leaving Georgetown in 1998, Allen Iverson has established the Cross-over Foundation which is actively involved in mentoring young people, assisting with access to technology and providing scholarships. As we heard in this chamber last week during the President’s State of the Union address, Dikembe Mutombo, who graduated from Georgetown in 1991, has funded a 300 bed teaching hospital in his home of Kinshasa, Democratic Republic of the Congo. In 1996, he also funded the expenses of the Zaïrian women’s Olympic basketball team. In addition, he has been engaged in the NBA’s Basketball Without Borders program in Africa and elsewhere.

In closing, I would also note that, as part of the important effort to promote public diplomacy, three former Georgetown Hoyas, Courtland Freeman, Omari Faulkner, and RaMell Ross, have in recent years participated in the State Department’s cultural envoys program that has taken them to South Africa and Botswana where they have focused on efforts to promote behaviors to prevent the spread of HIV/AIDS and to El Salvador and...
INTRODUCTION OF THE "LAW ENFORCEMENT OFFICERS EQUITY ACT.”  H.R. 1073

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. FILNER, Madam Speaker, I rise today, with my colleague John McHugh, to introduce The Law Enforcement Officers Equity Act (H.R. 1073). The purpose of this bill is simply to give law enforcement status to all Federal law enforcement officers!

Many Federal officials—for example, the Border Patrol—are classified as “law enforcement officers” for purposes of determining salary and retirement benefits. But many other officers—such as Customs and Border Protection (CBP) Officers, Immigration and Customs Enforcement (ICE) Inspectors, Veterans’ Affairs Police Officers, U.S. Mint Police Officers, Internal Revenue Service officers, and police officers in about two dozen other agencies—do not have equal pay and benefits status.

The tragic irony, Mr. Speaker, is that the only time these officers are classified as law enforcement officers is when they are killed in the line of duty. Then their names are inscribed on the wall of the National Law Enforcement Officers Memorial right here in Washington.

Let me say that again. It is only when they are killed that they are called law enforcement officers, and that is a tragic irony.

My district encompasses the entire California-Mexico border and is home to two of the busiest border crossings in the entire world, so I am very familiar with the work of our Nation’s border inspectors. They wear bulletproof vests, they carry firearms, and, unfortunately, have to use them. Most importantly, these inspectors are subject to the same risks as other officers with whom they serve side-by-side. However, they are not eligible for early retirement and other benefits, which are designed to maintain a young and vigorous workforce. These officers need to combat those who pose life-threatening risks to our society.

The Law Enforcement Officers Equity Act will provide well-deserved pay and retirement benefits to the officers protecting our borders, our ports of entry, our military and veterans’ installations and other sensitive government buildings. The costs of these benefits would likely be off-set by savings in training costs and increased revenue collection. The bill will also reduce turnover, increase yield, decrease recruitment and development costs and enhance the retention of a well-trained and experienced workforce.

Madam Speaker, the simple fact is that these officers have dangerous jobs and deserve to be recognized as law enforcement officers, just like others with whom they serve, side by side, and who share the same level of risk. I encourage my colleagues to join me and Mr. McHugh in cosponsoring the Law Enforcement Officers Equity Act. The valiant officers who protect us deserve no less!

IN RECOGNITION OF THE LIFE OF CAPTAIN DONNIE R. BELSER, JR.

HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. ROGERS of Alabama. Madam Speaker, I request the House’s attention today to recognize a heroic American, Captain Donnie R. Belser, Jr., 28, of Anniston, Alabama, who died in Iraq on February 10, 2007. Captain Belser was assigned to the 425th Military Transition Team, 1st Infantry Division, Fort Riley, Kansas, and according to initial reports was killed during an exchange of small arms fire.

Words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Captain Belser died serving the United States and the entire cause of liberty, on a mission to bring stability to a troubled region and liberty to a formerly oppressed people. Captain Belser was a true patriot indeed.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

PAYING TRIBUTE TO LARRY KAY BARTON

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. PORTER, Madam Speaker, I rise today to honor the life of my friend Larry Kay Barton who passed away January 30, 2007. Larry Kay Barton was instrumental to the development of the Las Vegas community. Having served as the deputy city manager of Las Vegas in 1985 and in 1993 and as the city manager between 1993 and 1997, he helped facilitate the exponential growth of the region. Larry was involved in many projects that revitalized the historic districts during his time as city manager such as the Lewis and Fifth Streets Corridors and he played a major part in making the Fremont Street Experience come together. Other significant achievements he made during his time as city manager of Las Vegas were leading negotiations and facilitating the land assemblages for the Lloyd George U.S. Courthouse and the Regional Justice Center as well as the Las Vegas Technology Park and Enterprise Park developments. One of his biggest focuses was to make the city more efficient, so he created the Development Services Center and Express Plans check process for building projects in order to streamline permit approvals. I had the great pleasure of working with Larry in my capacity as Boulder city councilman, Boulder city mayor and later during my tenure in the Nevada State Senate.

In addition to Larry’s long time commitment to serving the Las Vegas community, he also served as an Airman in the United States Air Force for over 30 years. He started as a fighter pilot in 1956 and subsequently became a command pilot and logged over 3,500 flying hours and flew many important missions. Later, Larry served as a director of operations, a wing commander of the 354th Tactical Fighter Wing and ultimately become vice commander.

Madam Speaker, I am proud to honor the life and legacy of my friend Larry Kay Barton. As the city manager of Las Vegas, he led with integrity and greatly enriched the lives of those in the Las Vegas community. Larry was a true patriot, having devoted his life to his community and country. His dedication to service should serve as an example to us all.

HONORING SOJOURNER TRUTH

HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, greetings to Senator Clinton, Dorothy Height, Dr. E. Fay Williams, Eleanor Smeal and Cleo Tyson.

In this country’s most majestic Capitol rotunda sits a monument honoring three pioneers of the women’s suffrage movement, which led to the women of our great Nation being granted the right to vote in 1920. The monument features the busts of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony. As the Architect of the Capitol has noted, the monument was presented to the Capitol as a gift from the Women of the United States by the National Women’s Party and was accepted on behalf of Congress by the Joint Committee on the Library on February 10, 1921. The unveiling ceremony was held in the rotunda on February 15, 1921, the 101st anniversary of the birth of Susan B. Anthony, and was attended by representatives of over 70 women’s organizations. The committee authorized the installation of the monument in the crypt, where it remained until, by act of Congress in 1966, it was relocated to the Capitol rotunda in May 1997.

In addition to the wonderful busts of Stanton, Mott, and Anthony, one of the interesting features of the monument is the existence of a large slab of stone that was never sculpted. Looking at the monument, it is clear that it was intended for a fourth person—another pioneer of the women’s suffrage movement—to be sculpted. The legislation that myself and Senator Clinton along with Senator Specter crafted calls for Sojourner Truth to be that person.

Born into slavery as one of the youngest of 13 children of James and Elizabeth in Hurley, which is in Ulster County, New York, in approximately 1797, Sojourner Truth’s given name was Isabella Baumfree. Almost all of her brothers and sisters had been sold to other slave owners. Some of her earliest memories were of her parents’ stories of the cruel loss of their other children.

Isabella was sold several times to various slave owners and suffered many hardships under slavery, but throughout her life she maintained a deep and unwavering faith that carried her through many difficult times.
In 1817, the New York State Legislature passed the New York State Emancipation Act, which granted freedom to those enslaved who were born before July 4, 1799. Unfortunately, however, this law declared that many men, women, and children could not be freed until July 4, 1827, 10 years later. While still enslaved and at the demand of her then owner, John Dumont, Isabella married an older slave named Thomas, with whom she had at least five children—Diane, Peter, Hannah, Elizabeth, and Sophia.

As the date of her release came near—July 4, 1827—she learned that Dumont was plotting to keep her enslaved, even after the Emancipation Act went into effect. For this reason, in 1826, she ran away from the Dumont plantation with her infant child, leaving behind her husband and other children.

She took refuge with a Quaker family—the family of Isaac Van Wagenen—and performed domestic work for them as well as missionary work among the poor of New York City. While working for the Van Wagenens, she discovered that a member of the Dumont family had sold her child Peter to a plantation owner in Alabama. At the time, New York law prohibited the sale of slaves outside New York State and so the sale of Peter was illegal. Isabella sued in court and won his return. In doing so, she became the first black woman in the United States to take a white man to court and win.

Isabella had always been very spiritual, and soon after being emancipated, she had a vision that affected her profoundly, leading her—as she later described it—to develop a “perfect trust in God and prayer.” In 1843, deciding her mission was to preach the word of God, Isabella changed her name to Sojourner Truth—her name for a traveling preacher, one who speaks the truth—and left New York. That summer she traveled throughout New England, calling her own prayer meetings and attending those of others. She preached “God’s truth and plan for salvation.”

After months of travel, she arrived in Northampton, Massachusetts, and joined the Northampton Association for Education and Industry, with whom she later worked with abolitionists such as William Lloyd Garrison, Frederick Douglass, and Olive Gilbert.

As we know, during the 1850s, slavery became an especially heated issue in the United States. In 1850, Congress passed the Fugitive Slave Law, which allowed runaway slaves to be arrested and jailed without a jury trial, and in 1857, the Supreme Court ruled in the Dred Scott case that those enslaved had no rights as citizens and that the government could not outlaw slavery in the new territories. Nevertheless, these extraordinary difficult times strengthened Sojourner Truth as a powerful Palmer's place she received that day has been described as “deepening.” From that time on, she became known as a leading advocate for the rights of women. Indeed, she was one of the nineteenth century’s most eloquent voices for the cause of anti-slavery and women’s rights.

By the mid-1850s, Truth had earned enough money from sales of her popular autobiography to buy land and a house in Battle Creek, Michigan. She continued her lectures, traveling to Ohio, Indiana, Iowa, Illinois, and Wisconsin. When the Civil War erupted in 1861, she forced Sojourner to return to her Battle Creek, Michigan, home, where she died on November 26, 1883.

Friends, this brief recounting of Sojourner Truth’s life story only begins to speak of her faith, courage, intelligence, and steadfastness in the face of extraordinary circumstances and volatile times in our nation’s history. Though she could neither read nor write, her eloquence commanded the attention of thousands of Americans, both black and white. It therefore comes as no surprise to learn that among her many friends and admirers and staunch supporters were Frederick Douglass, Amy Post, Olive Gilbert, Parker Pillsbury, Mrs. Francis Gage, Wendell Phillips, William Lloyd Garrison, Laura Haviland, Lucretia Mott, and Susan B. Anthony.

The legislation we introduced pays tribute to Sojourner Truth.

IN RECOGNITION OF THE LIFE OF 
MR. CHARLES LANGFORD 
HON. MIKE ROGERS 
OF ALABAMA 
IN THE HOUSE OF REPRESENTATIVES 
Thursday, February 15, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the House’s attention this morning to reflect on the life and legacy of a great Alabamian, Mr. Charles Langford. Mr. Langford passed this week on February 11 at his home in Montgomery, Alabama. Mr. Langford was an activist, lawyer, and statesman of the highest caliber. During the Montgomery Bus Boycott in 1955–56, Mr. Langford represented the woman who started that protest which helped change our Nation, the late Mrs. Rosa Louise Parks, as well as the organization formed to carry out the boycott, the Montgomery Improvement Association. In 1956, the class action suit filed by Mr. Langford and his partner, Fred Gray, known as Browder v. Gayle, ended segregated seating on buses in Montgomery, and also became the precedent used to end all racial segregation ordinances.

In 1986, Mr. Langford’s passing is a great loss to the State of Alabama. He helped make history in the Civil Rights movement, and played an important role in Alabama politics. I know all of us in the House today share in the loss of this great and loved man, and send our condolences to his family and our prayers that his legacy will live on long after this mournful time has passed.

PAYING TRIBUTE TO SANDY PELTYN

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Sandy Peltyn, for her work and involvement in the Las Vegas community. Since Sandy’s move to Las Vegas in 1981, she has become very active in both fund-raising and organizing major events in the community. She is very involved in a number of organizations including: the Jewish Asthma Hospital, Juvenile Diabetes Foundation, Kids for Homeless Kids, Nevada Dance Theater Guild, Women’s Center at UNLV, Latin Chamber of Commerce Miss Nevada-USA Pageant, Mrs. United States Pageant for the Susan G. Komen Breast Cancer Foundation, Golden Rainbow, Nevada Opera Theater, Opera Las Vegas, Oasis, Veterans in Politics, UNLV School of Medicine, Dean’s Council, Clark County Pro Bono Projects, The Arthritis Foundation, Community College of Southern Nevada Fund Raising Committee, Las Vegas Chamber of Commerce, The UNLV Sierra Wind Quintet, Safe House, American Heart Association, Kidney Foundation, Nevada Association of the Handicapped and Children’s Charities.org. She has raised over four million dollars for these charities.

Sandy has also been recognized for her achievements with the International Friendship Awards by the Nevada Opera Theatre, the Volunteer of the Year Awards from the Juvenile Diabetes Foundation and the Filipino Community of Nevada and the Woman of the Year by Fit for Tomorrow. In addition to all of her other community achievements, she was recently appointed as one of the five members of Medical Liability Association of Nevada and President George W. Bush appointed her to a member of the President’s Advisory Committee on the Arts at the Kennedy Center.

Madam Speaker, I am proud to honor Sandy Peltyn for her community activism which has enriched the lives of many in the community. I applaud her efforts and wish her the best in her future endeavors.

SOCIAL SECURITY GUARANTEE PLUS ACT

HON. RON LEWIS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues about legislation I have introduced today to preserve Social Security and pay full promised benefits to future
The plan would also eliminate the retirement earnings penalty for all workers age 62 and older and reduce the current Government Pension Offset that limits spouse and survivor benefits for certain government employees.

The Social Security Administration’s Office of the Actuary estimates that every borrowed dollar necessary to begin the program, in addition to accrued interest, would be repaid with 75 years, achieving permanent solvency. In sum, we would pay off the mortgage on Social Security while leaving workers with substantial account balances and generating surplus revenues for the Federal Government.

Everyone agrees that the Social Security program is integral to the financial stability of millions of Americans who have left the workforce due to retirement or disability as well as those who are dependent upon survivor benefits following the death of a parent or spouse. We must put partisan politics aside and do what is best for today’s seniors and tomorrow’s retirees.

Our recent success at passing sweeping measures to modernize welfare and worker pensions shows that effective reform is possible. In similar spirit, Congress needs to work together to explore every possible option to restore confidence in Social Security and ensure program solvency for generations to come.

I believe the Social Security Guarantee Plus plan accomplishes this goal in the most comprehensive, fair, and cost-effective manner. I encourage my colleagues to consider their support for this bill as a step toward permanent preservation of the Social Security program.

INTRODUCTION OF LEGISLATION GIVING TAX RELIEF FOR THE NATION’S MILITARY FAMILIES

HON. SCOTT GARRETT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, the resolution debated this week in the House says, “Congress and the American people will continue to support and protect the members of the United States Armed Forces.” Today, I am introducing legislation, the Armed Forces Tax Relief Act of 2007, and the Strengthening America’s Military Families Act of 2007 that will do precisely that. Both bills would put more money into the pockets of our troops fighting in a combat zone.

Members of the Armed Forces currently serving in a combat zone are exempt from having their earnings taxed under the federal income tax. However, the service members are subject to “employment taxes,” such as the significant payroll taxes for Medicare and Social Security. The Armed Forces Tax Relief Act changes this, and truly allows our fighting men and women to keep their earnings tax free. Compared to the sacrifice that our troops make at the field, the amount we compensate them is not nearly enough. And while their sense of duty to their country is not tied to the size of their paychecks, enacting this legislation would put real extra money into the pockets of our Armed Forces, and send them a message that we are working hard in Washington to support them.

Oftentimes we forget that when the military is called overseas to fight in combat, many retirees without raising payroll taxes or further depleting the trust funds.

The facts are undeniable: demographics are driving Social Security’s looming insolvency. Modern medicine is helping people live longer, and families are having fewer children. As a result, the number of seniors is growing faster than the number of workers supporting Social Security.

According to the 2006 report of the Social Security Board of Trustees, the number of retirees receiving Social Security benefits will grow from 44 million in 2006 to 69 million by 2030. This is roughly 60% of the total working population over the next 10 years. Social Security tax revenue will fall short of benefit costs beginning in 2017. By 2040, Social Security revenue will be sufficient enough to finance only 74 percent of promised benefits. At that time, according to trustee estimates, benefits will have to be cut 25 percent, or the payroll tax will have to be increased by 34 percent to pay full promised benefits.

We must refocus our concern and reinvigorate our efforts to address the serious challenges Social Security programs face. This is not a partisan or Democrat issue, it’s an American issue. The choices without reform are stark: massive benefit cuts, enormous deficits, or huge tax increases. We should not leave these problems for our children and grandchildren to solve.

The legislation that I have proposed, the “Social Security Guarantee Plus Act,” initially proposed by former Congressman Clay Shaw and former Chairman Bill Archer in previous Congresses, would keep the Social Security safety net intact, ensuring full receipt of Social Security benefits for all current and future American workers.

The Guarantee Plus plan establishes a voluntary program that would allow workers to receive a refundable income tax credit equal to 4 percent of their annual earnings, up to $1,000, to invest in a tax-free retirement account. Instead of restructuring existing payroll taxes, general treasury revenues would be used to fund retirement accounts. Individual workers, not the government, would control how their account assets are invested to create guaranteed Social Security benefits for all current and future American workers.

At retirement or when otherwise eligible, a 5 percent tax free lump sum payment would be paid directly to the worker. The balance would be used to help pay full guaranteed Social Security benefits. In order to preserve funds for retirement, account withdrawals would be prohibited until a worker becomes eligible for traditional Social Security benefits. Accounts would be inheritable and tax-free if a worker dies before reaching retirement.

The Guarantee Plus plan incorporates three core principles: all workers are treated fairly; individuals own and control their own retirement funds; Social Security benefits are guaranteed in full to all Americans through the next 75 years and beyond without increasing taxes, lowering benefits or raising the retirement age.

Because Social Security benefits are based on earnings, women are disadvantaged when they choose to stay home to raise their children. Longer life expectancies also make women more likely to struggle with poverty in old age. The Guarantee Plus plan addresses this inequality by enhancing benefits for widows, divorced spouses, and working mothers. These benefits would become immediately available.

Mr. LANTOS. Madam Speaker, I rise today to honor and commemorate the life of my dear friend Victor Mangini, who died of congestive heart failure on February 4, 2007 at the age of 88. “Vic,” as he was often called, was an extraordinary human being, and a regarded educator, coach and public servant. His commitment to his adopted city of Burlingame, California rightfully earned him the title “Mr. Burlingame.”

Born in Manhattan, Victor earned his Bachelor’s Degree from Manhattan College and his teaching credential from Columbia University. As a young man, Victor joined the Armed Services and was stationed at the Presidio of San Francisco, where he played a key role as a training officer. Victor’s commitment to our Nation’s military continued after the War, as he joined the Air Force Reserve, retiring at the rank of Colonel after 37 years of service.

Madam Speaker, much like both of us, Victor Mangini fell deeply in love with the Bay Area of California and sought to make it his permanent home. The wonderful community of Burlingame located in the beautiful 12th Congressional District of California, which I am immensely proud to represent, is where Victor wisely chose to live and raise his family.

After the end of World War II, Victor Mangini moved down the Peninsula and started what became an illustrious 44-year career at Burlingame High School. During his tenure at Burlingame High School, Vic’s involvement in the education and well-being of young scholars and athletes occurred in the classroom as history teacher and later as the assistant principal, and also on the athletic field, where he coached both the football and track teams. Because of outstanding and extraordinary dedication to the school, in May 2001 the Burlingame City Council voted to name the street in front of Burlingame High School after him. The high school address now reads 1 Mangini Way. That same year, Vic was also honored by his induction into the San Mateo County Sports Hall of Fame.

Vic’s commitment to educating youth went far beyond his high school classroom. For over 55 years he headed the scholarship selection committee for the Frank H. and Eva B. Buck Foundation, which provides full scholarships and support to more than two hundred students seeking higher education in California.
Madam Speaker, Victor Magnini’s impressive resume and limitless talents did not only extend to academic endeavors. He was president of the Burlingame Rotary Club, and as an active member of the Our Lady of Angels Church in Burlingame, California, Victor proved his loyalty to his adopted city and in 1957, during the Golden Anniversary of the City of Burlingame, he rightfully earned the title “Citizen of the Year” from his fellow community members.

Vic was also very active in local politics. He successfully ran for Burlingame City Council in 1970, an office he held till he decided to retire in 1989. Vic served four separate terms as Mayor of the city of Burlingame during his nearly twenty-year tenure on the council.

A devoted family man, Victor was married to Rina Sari for 27 years, before she succumbed to breast cancer in 1975. They raised two children, Mariavittoria (Vicki) and Martin Jerome (Jerry). Victor later married Grace Cecilia Mangini, who passed away in 2003 following another 27 years of happy marriage.

Madam Speaker, there is a reason all city flags in Burlingame, California flew at half-staff for 4 days following Victor Mangini’s death. The whole city of Burlingame mourned the passing of this extraordinary human being, who exemplified the highest class of American citizens, whose commitment to the improvement of society and country is unwavering. Victor Mangini spent his life making his community a better place, and I, along with every single resident of the City of Burlingame, California am deeply indebted to this true American hero.
Chamber Action

Routine Proceedings, pages S1983–S2118

Measures Introduced: Fifty three bills and five resolutions were introduced, as follows: S. 602–654, S. Res. 82–84, and S. Con. Res. 12–13.

Measures Reported:

- S. 202, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska. (S. Rept. No. 110–6)
- S. 216, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non Federal land in the Pecos National Historical Park in the State of New Mexico. (S. Rept. No. 110–7)
- S. 232, to make permanent the authorization for watershed restoration and enhancement agreements. (S. Rept. No. 110–8)
- S. 241, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System. (S. Rept. No. 110–10)
- S. 245, to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System. (S. Rept. No. 110–11)
- S. 255, to provide assistance to the State of New Mexico for the development of comprehensive State water plans. (S. Rept. No. 110–12)
- S. 260, to establish the Fort Stanton Snowy River Cave National Conservation Area, with an amendment. (S. Rept. No. 110–13)
- S. 262, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area. (S. Rept. No. 110–14)
- S. 268, to designate the Ice Age Floods National Geologic Trail. (S. Rept. No. 110–15)
- S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision. (S. Rept. No. 110–16)
- S. 320, to provide for the protection of paleontological resources on Federal lands. (S. Rept. No. 110–18)
- H.R. 57, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands. (S. Rept. No. 110–19)
- S. Res. 41, honoring and the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers.
- S. Res. 47, honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers.
- S. Res. 49, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State.
- S. Res. 69, recognizing the African American spiritual as a national treasure.
- S. 184, to provide improved rail and surface transportation security, with an amendment in the nature of a substitute.

Measures Passed:

Living Kidney Organ Donation Clarification Act: Committee on Health, Education, Labor and Pensions was discharged from further consideration of S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Reid (for Levin) Amendment No. 266, in the nature of a substitute.

Voting Rights Act Reauthorization: Senate passed S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, after agreeing to the committee
amendments, and the following amendment proposed thereto:  

Reid (for Salazar) Amendment No. 267, to add the name of Dr. Hector P. Garcia to a short title.

Iraq Sense of Congress: Senate began consideration of the motion to proceed to consideration of S. 574, to express the sense of Congress on Iraq.  

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of February 15, 2007, a vote on cloture will occur at 1:45 p.m., on Saturday, February 17, 2007.

Nominations Confirmed: Senate confirmed the following nominations:  

By unanimous vote of 94 yeas (Vote No. EX. 49), Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.  

By unanimous vote of 93 yeas (Vote No. EX. 50), Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.  

Leon R. Sequeira, of Virginia, to be an Assistant Secretary of Labor.  

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007. (Prior to this action, Committee on Rules and Administration was discharged from further consideration.)  

Caroline C. Hunter, of Florida, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009. (Prior to this action, Committee on Rules and Administration was discharged from further consideration.)

Nominations Received: Senate received the following nominations:  


Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.  

2 Army nominations in the rank of general.  

Routine lists in the Air Force, Army, Marine Corps, Navy.

Additional Cosponsors: Pages S2024–25  

Statements on Introduced Bills/Resolutions: Pages S2025–S2113  

Additional Statements: Pages S2019–21  

Amendments Submitted: Pages S2113–14  

Notices of Hearings/Meetings: Page S2114  

Authorities for Committees to Meet: Pages S2114–15  

Record Votes: Two record votes were taken today. (Total—50) Pages S1987, S1988  

Adjournment: Senate convened at 10 a.m., and adjourned at 6:17 p.m., until 12 noon, on Friday, February 16, 2007.

Committee Meetings

(Committees not listed did not meet)

FUTURE READINESS

Committee on Armed Services: Committee concluded open and closed hearings to examine the current and future readiness of the Army and Marine Corps, after receiving testimony from General Peter J. Schoomaker, USA, Chief of Staff, and Lieutenant General Stephen M. Speakes, USA, Deputy Chief of Staff, G–8, both of the United States Army; and General James T. Conway, USMC, Commandant, United States Marine Corps.

FAA REAUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine the Administration’s proposal to reauthorize the Federal Aviation Administration (Part 1), after receiving testimony from Marion C. Blakey, Administrator, Federal Aviation Administration, Department of Transportation.

DEPARTMENT OF THE INTERIOR BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2008 for the Department of the Interior, after receiving testimony from Dirk Kempthorne, Secretary of the Interior.

TRADE AGENDA

Committee on Finance: Committee concluded a hearing to examine the Administration’s trade agenda for 2007, after receiving testimony from Susan C. Schwab, United States Trade Representative.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Ryan C. Crocker, of Washington, to be Ambassador to the
Republic of Iraq, and William B. Wood, of New York, to be Ambassador to the Islamic Republic of Afghanistan, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following bills:

S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, with an amendment in the nature of a substitute;

S. 343, to extend the District of Columbia College Access Act of 1999;

S. 457, to extend the date on which the National Security Personnel System will first apply to certain defense laboratories, a proposed bill to preserve existing judgeships on the Superior Court of the District of Columbia;

S. 550, to preserve existing judgeships on the Superior Court of the District of Columbia;

S. 171, to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the “Mickey Mantle Post Office Building”;

S. 194 and H.R. 49, bills to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the “Gerald R. Ford, Jr. Post Office Building”;

S. 219 and H.R. 335, bills to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the “Gale W. McGee Post Office”;

S. 412 and H.R. 521, bills to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the “Lane Evans Post Office Building”;

H.R. 433, to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the “Scipio A. Jones Post Office Building”;

H.R. 514, to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the “Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office”; and

H.R. 577, to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the “Sergeant Henry Ybarra III Post Office Building”.

TRIBAL PROGRAMS

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the President’s budget request for fiscal year 2008 for tribal programs, after receiving testimony from James Cason, Associate Deputy Secretary of the Department of the Interior; Charles W. Grim, Assistant Surgeon General, Director, Indian Health Service, Department of Health and Human Services; Catherine Freeman, Deputy Assistant Secretary for Elementary and Secondary Education, and Thomas M. Corwin, Director, Division of Elementary, Secondary and Vocational Analysis, Budget Service, both of the Department of Education; Orlando J. Cabrera, Assistant Secretary of Housing and Urban Development for Public and Indian Housing; Regina B. Schofield, Assistant Attorney General, Office of Justice Programs, Department of Justice; Ivan D. Posey, Eastern Shoshone Business Council, Fort Washakie, Wyoming; Jefferson Keel, Chickasaw Nation, Ada, Oklahoma, on behalf of the National Congress of American Indians; and H. Sally Smith, National Indian Health Board, Verlie Ann Malina Wright, National Indian Education Association, and Marty Shuravellof, National American Indian Housing Council, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. Res. 41, honoring and the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers;

S. Res. 47, honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers;

S. Res. 49, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State;

S. Res. 69, recognizing the African-American spiritual as a national treasure; and The nominations of Beryl A. Howell, of the District of Columbia, and Dabney Langhorne Friedrich, of Virginia, both to be a Member of the United States Sentencing Commission.

Also, Committee approved for reporting S. 316, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

BABY BOOMERS

Special Committee on Aging: Committee concluded a hearing to examine the retirement of those Americans born between 1946 and 1964 (baby boomers), focusing on the federal budget and senior citizens,
and Social Security benefits, after receiving testimony from Michael J. Astrue, Commissioner, Social Security Administration; Leslie V. Norwalk, Acting Administrator, Centers for Medicare and Medicaid Services, and Josefina Carbonell, Assistant Secretary for Aging, both of the Department of Health and Human Services; and Brian D. Montgomery, Assistant Secretary of Housing and Urban Development for Housing.

### House of Representatives

**Chamber Action**

Public Bills and Resolutions Introduced: 47 public bills, H.R. 1062–1108; 1 private bill, H.R. 1109; and 8 resolutions, H. Con. Res. 66; and H. Res. 165–171 were introduced.

Additional Cosponsors: Pages H1790–91

Report Filed: A report was filed today as follows:

H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, with an amendment (H. Rept. 110–14).

Administration of the Oath of Office to Officers of the House: The Speaker administered the Oath of Office to Lorraine C. Miller, Clerk of the House of Representatives and Daniel P. Beard, Chief Administrative Officer of the House of Representatives.

Notify the Senate of the Election of the Clerk: The House agreed to H. Res. 165, informing the Senate of the election of the Clerk.

Notify the President of the Election of the Clerk: The House agreed to H. Res. 166, instructing the Clerk to inform the President of the United States of the election of the Clerk.

Clerk Designations: Read a letter from the Clerk wherein she designated Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts in case of her temporary absence or disability.

Disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq: The House continued debate on H. Con. Res. 63, to disapprove of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq. Further proceedings were postponed until Friday, February 16.

Election of committee to attend the funeral of the late Honorable Charlie Norwood: The Chair announced the Speaker’s appointment of the following Members of the House of Representatives to the committee to attend the funeral of the late Honorable Charlie Norwood: Representatives Lewis (GA), Boehner, Blunt, Bishop (GA), Deal (GA), Kingston, Linder, Gingrey, Marshall, Scott (GA), Barrow, Price (GA), Westmoreland, Johnson (GA), Sensenbrenner, Barton (TX), Coble, Gene Green (TX), Hoekstra, Manzullo, McKeon, Mica, Frelinghuyzen, Hastings (WA), LaHood, Latham, Myrick, Shadegg, Tiahrt, Wicker, Aderholt, Pitts, Sessions, Capps, Hayes, Tancredo, Terry, Brown (SC), Pence, Putnam, Shuster, Miller (FL), Wilson (SC), Sullivan, Barrett (SC), Burgess, King (IA), Neugebauer, Conaway, Gohmert, Schmidt, and Bilbray.

Quorum Calls—Votes: There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:13 a.m. on Friday, February 16th.

### Committee Meetings

**DEFENSE APPROPRIATIONS**

Committee on Appropriations: Subcommittee on Defense held a hearing on Fiscal Year 2007 Supplemental Requests for Iraq and Afghan Security Forces Fund. Testimony was heard from the following officials of the Department of Defense: MG Robert Durbin, Commander, Combined Security Transition Command-Afghanistan; BG Michael D. Jones, Deputy Director, Political-Military Affairs, Joint Staff; and Peter Rodman, Assistant Secretary, International Security Affairs.

**HOMELAND SECURITY**

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Coast Guard Iraq Operations, Port Security and Deepwater. Testimony
was heard from ADM Thad Allen, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security; Steve Caldwell, Assistant Director; and John P. Hutton, both with GAO.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, held a hearing on (Panel I) Overview on America’s Workers and Education for the 21st Century. Testimony was heard from public witnesses.

The Subcommittee also held a hearing on (Panel II) Overview on Health Care Access and the Aging of America. Testimony was heard from public witnesses.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS
Committee on Appropriations: Subcommittee on Military Construction, Veterans’ Affairs, and Related Agencies held a hearing on Long-Term Health Care Challenges. Testimony was heard from Stephen Heffler, Director, National Health Statistics Group, Center for Medicare and Medicaid Services, Department of Health and Human Services; A. Bruce Steinwald, Director, Healthcare Team, GAO; and Allison Percy, Principal Analyst; and John P. Hutton, both with CBO.

The Subcommittee also held a hearing on the Secretary of Veterans Affairs. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs.

RECRUITING AND RETENTION OVERVIEW
Committee on Armed Services: Subcommittee on Military Personnel held a hearing on overview of recruiting and retention. Testimony was heard from the following officials of the Department of Defense: David S. C. Chu, Under Secretary, Personnel and Readiness; LTG Michael D. Rochelle, USA, Deputy Chief of Staff, G-1; VADM John C. Harvey, Jr., USN, Chief of Naval Personnel; LTG Roger A. Brady, USAF, Deputy Chief of Staff, Manpower and Personnel; and LTG Ronald S. Coleman, USMC, Deputy Commandant, Manpower and Reserve Affairs.

USDA FY 2008 BUDGET PRIORITIES
Committee on the Budget: Held a hearing on the U.S. Department of Agriculture Fiscal Year 2008 Budget Priorities. Testimony was heard from Mike Johanns, Secretary of Agriculture; and public witnesses.

Hearings continue tomorrow.

MONETARY POLICY AND THE STATE OF THE ECONOMY
Committee on Financial Services: Held a hearing on Monetary Policy and the State of the Economy. Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors, Federal Reserve System.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES; AFGHANISTAN AT THE BRINK
Committee on Foreign Affairs: Ordered reported, as amended, H.R. 957, To amend the Iran Sanctions Act to expand and clarify the entities against which sanctions may be imposed.

The Committee favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H. Res. 98, as amended, Honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of Sudan; H.R. 987, NATO Freedom Consolidation Act of 2007; H.R. 1003, To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; H. Res. 107, as amended, Calling for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah; H. Res. 149, Supporting the goals of International Women’s Day; and H. Res. 64, as amended, Expressing the sense of the House of Representatives that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury.

The Committee also held a hearing on Afghanistan on the Brink: Where Do We Go From Here? Testimony was heard from Representative Kirk; and public witnesses.

PROTECTING HUMAN RIGHTS OF COMFORT WOMEN
Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on Protecting the Human Rights of Comfort Women. Testimony was heard from Representative Honda; and public witnesses.

HOMELAND SECURITY
OVERSIGHT—PATENT SYSTEM REFORM
Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property held an oversight hearing on American Innovation at Risk: The Case for Patent Reform. Testimony was heard from Suzanne Michel, Chief Intellectual Property Counsel and the Deputy Assistant Director for Policy Coordination, FTC; and public witnesses.

YOUTH VIOLENCE AND GANG INTERVENTIONS
Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled “Making Communities Safer: Youth Violence and Gang Interventions that Work.” Testimony was heard from public witnesses.

IRAQ RECONSTRUCTION
Committee on Oversight and Government Reform: Held a hearing entitled “Iraq Reconstruction: An Overview.” Testimony was heard from David M. Walker, Comptroller General, GAO; William H. Reed, Director, Defense Contract Audit Agency, Department of Defense; and Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction.

NIST ECONOMIC COMPETITIVENESS ROLE
Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on The National Institute of Standards and Technology’s Role in Supporting Economic Competitiveness in the 21st Century. Testimony was heard from William Jeffrey, Director, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

SHORT SEA SHIPPING
Committee on Transportation and Infrastructure: Subcommittee on Transportation and Infrastructure held a hearing entitled “The Development of Short Sea Shipping in the United States.” Testimony was heard from Sean Connaughton, Administrator, Maritime Administration, Department of Transportation; Collister Johnson, Jr. Administrator, St. Lawrence Seaway Development Corporation; and public witnesses.

FILIPINO VETERANS
Committee on Veterans’ Affairs: Held a hearing on Equi-uity for Filipino Veterans. Testimony was heard from Representatives Bordallo, Hirono and Honda; Ronald R. Aument, Deputy Under Secretary, Benefits, Department of Veterans Affairs; Carlos D. Sorreta, Charge d’Affaires, Embassy of the Philippines; and public witnesses.

VA INSPECTOR GENERAL
Committee on Veterans Affairs: Subcommittee on Oversight and Investigations held an oversight hearing on VA Inspector General-Budget and Best Practices. Testimony was heard from George J. Opfer, Inspector General, Department of Veterans Affairs.

U.S.-CHINA TRADE RELATIONSHIP
Committee on Ways and Means: Subcommittee on Trade held a hearing on the U.S.-China trade relationship. Testimony was heard from Karan K. Bhatia, Deputy U.S. Trade Representative; from former Representatives Dan Glickman of Kansas and Patricia Schroeder of Colorado; and public witnesses.

BRIEFING—HOT-SPOTS
Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot-Spots. The Committee was briefed by departmental witnesses.

IRAN’S INVOLVEMENT IN IRAQ
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Iran’s Involvement in Iraq. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 16, 2007
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Health, Education, Labor, and Pensions: to hold hearings to examine paying for college in the future relating to higher education, higher cost and higher student debt, 10 a.m., SD–430.

House
Committee on Appropriations, Subcommittee on Defense, executive, hearing on Joint Improvised Explosive Device Defeat Organization, 10 a.m., H–140 Capitol.
Subcommittee on Energy and Water Development, and Related Agencies, on Future of the Nation’s Navigation Infrastructure, 10 a.m., 2362B Rayburn.
Subcommittee on Homeland Security, on Implementation of U.S. VISIT Entry/Exit Program, 10 a.m., 2362A Rayburn.
Subcommittee on Interior, Environment, and Related Agencies, on Forest Service: State and Private Forestry and Research, 9 a.m., B–308 Rayburn.
Subcommittee on Legislative Branch, on Capitol Visitor Center, 10 a.m., 2358 Rayburn.
Subcommittee on State, Foreign Operations, and Related Programs, on Fiscal Year 2007 Emergency Supplemental Request, 9 a.m., 2359 Rayburn.
Committee on the Budget, hearing on IRS and the Tax Gap, 10 a.m., 210 Cannon.
Committee on Financial Services, to continue hearings on Monetary Policy and the State of the Economy, 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled “Impact of Background and Security Clearances on the Transportation Workforce,” 10:30 a.m., 311 Cannon.

Committee on House Administration, to meet for organizational purposes and to consider an Oversight Plan for the 110th Congress, 10 a.m., 1310 Longworth.

Committee on Natural Resources, oversight hearing entitled “Reports, Audits and Investigations by the General Accountability Office (GAO) and the Office of Inspector General (OIG) Regarding the Department of the Interior,” 10 a.m., 1324 Longworth.
Next Meeting of the SENATE
12 noon, Friday, February 16

Senate Chamber

Program for Friday: The time until 12:30 p.m. shall be equally divided and controlled by the Majority and Republican Leaders; following which, Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES
8 a.m., Friday, February 16

House Chamber


Extensions of Remarks, as inserted in this issue

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