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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Almighty God, to whom we must account for all our powers and privileges, guide the Members of this body so that they will be faithful stewards of Your will. Give them understanding and integrity that human rights may be safeguarded and justice served. Teach them to rely on Your strength and to serve You with honor. May each Senator in her or his daily work know the joy of partnership with You.

Lord, we pray today also for the men and women of our Armed Forces. Defend them with Your heavenly grace and give them courage to face perils with trust in You. Give them a sense of Your abiding presence wherever they may be. Strengthen and sustain their loved ones.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. During the period of morning business, Senators will be permitted to speak for up to 10 minutes each. The first 30 minutes will be controlled by the Republicans and the second 30 minutes will be controlled by the majority.

At 12:30, the Senate will recess until the hour of 2:15. Upon reconvening at 2:15, the Senate will resume debate on the motion to proceed to S. 184. The cloture vote will occur at 2:30, with the time until then equally divided and controlled between the two leaders and their designees.

As I indicated yesterday prior to the Senate adjourning, the Republican leader and I have had discussions about the 9/11 Commission recommendations legislation, and while the time has been set for the cloture vote on the motion to proceed to S. 184, we will continue our discussions to ascertain whether we can vitiate that cloture vote. If we are able to do that, we would switch to S. 4, which is the Homeland Security-reported matter reported by Chairman LIEBERMAN and Ranking Member COLLINS.

I would say, as I said last night, whichever vehicle comes to the floor—I would hope we could speed things up by 30 hours by doing S. 4—we need to get to this legislation. I had indicated prior to the recess, and indicate today, it is open to amendment. I, in fact, even have the first Democratic Senator who wants to offer an amendment. I am sure the minority has a lot of amendments they want to offer.

9/11 COMMISSION RECOMMENDATIONS

Mr. President, I want to bring to the attention of the body letters Senator MCCONNELL and I received. They are dated yesterday. The letter to me states:

It has been exactly 14 years since the first attack on the World Trade Center; over 5 years since the terrorist attacks of 9/11; and over 2 years since the 9/11 Commission released a blueprint for strengthening America's security. The pace of Congressional response to these wake-up calls has been glacial.

Now, I am not going to read the other three paragraphs of this letter other than to say this letter is signed by different groups—widows and orphans—Carol Ashley, representing a group called VOICES of September 11th, who is the mother of Janice, who was killed in that 9/11 occurrence; Beverly Eckert, representing a group called Families of September 11, and who is the widow of Sean Rooney, who was 50; Mary Fetchet, the founding director and president of VOICES of September 11th, who is the mother of Brad, who was 24, who was killed in the incident; and Carie Lemack, the cofounder and president of Families of September 11, who is the daughter of Judy Larocque, who was 50 years old, who died in that terrorist attack.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

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

Printed on recycled paper.

FEBRUARY 26, 2007.

Hon. HARRY REID,
Senate Majority Leader U.S. Senate, Washington, DC.

DEAR SENATOR REID: It has been exactly 14 years since the first attack on the World Trade Center; over 5 years since the terrorist attacks of 9/11; and over 2 years since the 9/11 Commission released a blueprint for strengthening America's security. The pace of Congressional response to these wake-up calls has been glacial.

The House of Representatives has validated its commitment to improving national security by passing H.R.1. When S. 4 goes to conference, its provisions must match or surpass the strength and comprehensiveness of H.R.l. Failure to act ratchets up the danger for America. The longer critical security issues remain unresolved, the more time and options the terrorists have.

S. 4 should be a clean bill, limited to implementing the remaining 9/11 Commission recommendations. This legislation is far too important to be politicized by the introduction of non-germane, controversial amendments and debate, particularly those relating to Iraq. Attention to both issues is critically important. As such, each deserves separate deliberation.

We urge you to act now to protect America by passing stand-alone, comprehensive security legislation under S. 4 based on the 9/11 Commission blueprint without complications regarding Iraq. The legacy of those whose lives have been taken by terrorists on American soil is in your hands. Prove to the families of those killed in 1993 and 2001, and to all Americans, that this is a new day in Washington, and that safety and security will finally take precedence over special interest groups and politics.

Respectfully,

CAROL ASHLEY,
Mother of Janice, 25, VOICES of September 11th.

BEVERLY ECKERT,
Widow of Sean Rooney, 50, Families of September 11.

MARY FETCHET,
Mother of Brad, 24, Founding Director and President, VOICES of September 11th.

CARIE LEMACK,
Daughter of Judy Larocque, 50, Co-founder and President, Families of September 11.

Mr. REID. I say to my friend, the distinguished Republican leader and people on his side of the aisle, if people are concerned about going to S. 4 because of not being allowed to offer amendments, I have stated publicly—and I understand because there were no amendments on the continuing resolution—and I will state again, I appreciate very much the cooperation of the Republicans. Even though there were no amendments, this was an issue this Congress, this Senate had to complete. None of the Members of the body here are responsible for what took place prior to this Congress. The 110th Congress is our responsibility, and that is why I am very happy the Democrats and Republicans joined together and got the continuing resolution passed. We were able to work our way through the contentious matters we had dealing with the Iraq war. I stated at the time we were doing that the 9/11 legislation will be subject to amendments.

Senator MCCONNELL and I are working our way through this issue to determine when the next debate will take place regarding Iraq. I hope it can be done on an agreement between the two of us. We are working on that. But I do say, don't anyone suggest the 9/11 legislation will not be open to amendment; it will be. We are going to work our way through that. There will not be cloture filed on this legislation until—hopefully, it won't have to be done. I think this is a piece of legislation for which it would not be necessary. There certainly will not be anything in the next 10 days. We will take a look at it.

I will work in conjunction with the distinguished Republican leader to find out if cloture ever has to be filed on the 9/11 bill. But I would hope we could gain this extra 30 hours and move to it right away. We could get the opening statements out of the way and some amendments offered today.

I had a leadership meeting at 9 o'clock this morning. I told the Senators there they better be ready for some votes Friday, that we are not going to be finished by 10 o'clock Friday morning. We have to finish this bill and finish it in a way that is appropriate.

So we have a lot of work to do. When we finish the 9/11 legislation, we have stem cells, we have the budget, we have the supplemental during this work period. We have a lot to do. We will need the cooperation of both sides.

I spoke out here last night, and I did my utmost to lay out the facts. We have been able to get a lot done this last work period. It was a long work period. We were able to do some good things. We were able to pass the most comprehensive ethics and lobbying reform in the history of the country. We passed minimum wage legislation for the first time in 10 years. We got the country's financial house in order by completing that. We have done some good work. As I said last night, it has been done on a bipartisan basis. We have worked together. So I hope we can continue to do that.

RECOGNITION OF THE MINORITY LEADER

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

9/11 BILL AND IRAQ

Mr. MCCONNELL. Mr. President, I indicated to my good friend, the majority leader, yesterday, and I now reiterate publicly, our desire to go to the measure reported by the Committee on Homeland Security. I think we will be able to work that out in the next few hours. We have also had a good conversation about how to structure a debate on Iraq to follow the 9/11 bill. There are a number of important amendments that Members on this side of the aisle want to offer to the 9/11 bill.

The majority leader has indicated there will be no desire on his part, and reiterated it here this morning, to prevent any of those amendments from being acted upon. So we expect a free-wheeling, Senate-style debate on the 9/11 bill in which a number of important amendments related to the measure are offered. I think we will be able to work out a way to go forward in the next few hours that will accommodate our mutual desire to have the right bill before the Senate regarding 9/11, and, hopefully, sometime shortly thereafter some kind of agreement to structure the debate on Iraq in a way that will be mutually acceptable to both sides of the aisle.

The ACTING PRESIDENT pro tempore. The majority leader.

EASTER RECESS

Mr. REID. Mr. President, finally, let me say this. I have had a number of people come to me during the last several days. In fact, I got a call in Nevada. The House is having 2 weeks during the Easter recess. The Senate is going to have 1 week. Everyone should understand that. We are going to work—we cannot move as fast as the House. We have rules here that simply do not allow that. While we would all like to be able to go home and spend time in our respective States, that will not happen. We are going to have only a 1-week recess for Easter.

I would say during the rest of the year there are no set times. I have been as forewarning as possible to the distinguished Republican leader, telling him of the days we would not have votes, days we would have votes. I am going to do my very best not to have surprises in the schedule. One of the surprises we will not have is 2 weeks for the Easter break. We are going to have to work through that. Up until August, I am hopeful and confident we can get our work done. But the August recess is a long one, and everyone should understand that is not automatic. We have to get our work done or we may have to shorten that also.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I appreciate the clarity the majority leader brought to the issue of the Easter work period. I think that is very helpful to Members on our side of the aisle for planning purposes, and I appreciate his bringing up that matter this morning.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business until the hour of 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first 30 minutes will be controlled by the Republican leader or his designee.

The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I am aware of two speakers during our period, the minority period of 30 minutes in morning business. As a result, I ask unanimous consent to be allowed to speak for up to 20 minutes out of that 30-minute period of time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

IRAQ

Mr. CORNYN. Mr. President, I come to the floor this morning to express my concerns about the growing politicalization of the debate over the war in Iraq. The reason I am concerned is because I think the revolving door of resolutions we have seen emanating from Washington, DC, has caused confusion. Now, I would be happy if the confusion were limited to our enemies. But, unfortunately, I think that confusion extends to our allies and perhaps even to the troops who are now serving in that war-torn country.

I do not believe that confusion is called for; rather, clarity is what we ought to be producing here. But this revolving door of resolutions being produced by those primarily on the other side of the aisle has seemed to contribute to our inability to speak with one voice on the one subject where we ought to be speaking with one voice; that is, our Nation's security. We ought not to be playing politics of any kind when talking about the lives of our troops or the resolutions which might have the unintended consequence of undermining their morale or causing our friends and allies confusion as to whether we are willing to stay the course in this battle of wills. This is a battle of wills.

If my colleagues on the other side of the aisle feel so strongly—as some of them clearly do—about the conflict in Iraq, then I believe they have an obligation to cut off funding. We have at least two Senators who have offered those kinds of resolutions—Senator DODD and Senator FEINGOLD. I would put it this way: If my colleagues really believe all is lost in Iraq and there is no possible way to succeed, then I think Senators could justly reach the conclusion that the only moral decision would be to deny funding to send them into harm's way. But instead what we see is an uncontrollable desire to tinker with our military operations, deciding in some cases what individual Members of Congress think should be done on the ground and then on the other hand what kind of decisions ought to be left to commanders. I suggest to my colleagues that strategy will lead us nowhere. Congress should not be involved in micromanaging the day-to-day tactics of military commanders on the ground. Our Constitution provides for a single Commander in Chief, not 535 chieftains who can make tactical decisions about something as sensitive and challenging as war operations in Iraq.

We have heard there are between 5,000 and 6,000 members of al-Qaida in Iraq, primarily in Anbar Province. It makes no sense to me for us to pull out our troops until we have defeated those terrorists. Certainly, I disagree with those who say we ought to pull out our troops before we are able to stabilize Iraq in a way that it can sustain itself, defend itself, and govern itself because I think we know what will happen if Iraq becomes just another failed state in the Middle East, particularly with those 5,000 to 6,000 members of al-Qaida present in Iraq: It will become another Afghanistan.

As we all know, when the Soviet Union left Afghanistan, Afghanistan became a failed state, giving rise to the Taliban and al-Qaida in Iraq, the likes of Osama bin Laden among them. Of course, it was because they had a safe haven in Afghanistan that they could then plot and plan and train and recruit and finance their terrorist operations, and it allows them the safety and convenience to plan an attack against the United States, which they did on September 11, 2001.

Of course, we know, because they have told us, that one of al-Qaida's major goals in Iraq is to increase sectarian violence between the Sunnis and the Shias. Al-Qaida cannot defeat us on the battlefield; we know that and they know that. The only way they can prevail is if we give up, if we pull our combat troops out of Iraq until al-Qaida is no longer a threat there. We know that Sunni extremists, including al-Qaida, want to create a civil war that will tear the country apart. The only way al-Qaida will be successful in doing that is if we allow them to do so.

We need to let our military do the job in Iraq. We can't pretend to be able to make the best decisions from here in Washington, DC, about what kinds of tactics are likely or reasonably calculated to be successful several thousand miles away.

As recently as Sunday, the chairman of the Senate Armed Services Committee appeared on a weekend talk show. I would like to read a little bit of the questions and answers which were produced from that interaction because I think it demonstrates exactly the kind of confusion I am talking about that I think ill-serves our troops and ill-serves our Nation during a time of war.

The question was this:

> Will you set a goal for withdrawing combat troops?

Senator LEVIN says:

> We would. We would follow basically the pattern that was set or proposed by the Iraq Study Group, which was to set a goal for the removal of combat troops, as you put it correctly, by March of next year.

Mr. Russert:

> So how many troops would that be by March of next year would be taken out?

Mr. LEVIN said:

> We don't have a specific number, nor did the study group, but it would be most. There would be a limited number of troops that would be left.

Mr. Russert said:

> So out of 150,000, we would take out how many?

Mr. LEVIN:

> I would say most.

Mr. Russert:

> What would be left behind?

Senator LEVIN said:

> It would be a limited number, which would—

Mr. Russert said:

> Ten thousand, 20,000?

Senator LEVIN said:

> I don't want to put a specific number on it because that really should be left to the commanders to decide how many would be needed to carry out these limited functions.

I think this brief Q-and-A demonstrates the kind of confusion that occurs when Members of the Senate, notwithstanding their best intentions, tinker with tactical decisions made with fighting a war several thousand miles away.

We know the power Congress has under our Constitution, and if, in fact, there are those, as I said earlier, who believe that all is lost, then I believe the only appropriate action to take would be for those people who hold that belief to try to bring a resolution to the floor that would cut off funding for this ill-fated, in their view, conflict. But my colleagues can't have it both ways. On the one hand, they can't say we should leave it to our commanders in the field to determine the number of troops, and yet when General Petraeus says he needs 21,500 troops to fight the terrorists in Iraq, these same individuals would tell him: No, you can't have them.

This is a question and answer from the nomination hearing for GEN David Petraeus.

Senator MCCAIN asked him:

> Suppose we send you over there to your new job, General, only we tell you that you can't have any additional troops. Can you get your job done?

General Petraeus said:

> No, sir.

The kind of confusion I think we have seen emanating from Capitol Hill is directly related to the revolving door of resolutions we have seen since the beginning of the year.

First, there was the Biden resolution. Senator REID, the distinguished majority leader, said, ''Tomorrow the Senate will proceed to S. Con. Res. 2, the bipartisan Iraq resolution.'' He said that

on January 31, 2007. Then Senator REID said later the same day, ''There will be a bipartisan group of Senators who believe the more appropriate matter is the Warner resolution.''

So first we had the Biden resolution, then we had the Warner resolution, and then there was the Levin resolution. Senator REID said, on January 31, 2007, ''In my caucus there was near unanimity for the Levin resolution.'' Then—I mentioned this a moment ago—there are those such as Senator FEINGOLD who said: ''I oppose the weak Warner-Levin resolution as currently written because it misunderstands the situation in Iraq and shortchanges our national security interests.'' He said that on February 1.

Then there was the Reid-Pelosi resolution. This was the one on which the majority leader said, ''I think it is so much more direct. We support the troops. We are opposed to the surge. Perfect.'' He was asked this question: I was asking you why you prefer the House resolution to move forward. This is the press asking the majority leader. He said, ''I think it is so much more direct. We support the troops. We are opposed to the surge. Perfect.'' That is the majority leader on February 13, 2007.

Then one of the Democratic candidates for President, Senator CHRIS DODD of Connecticut, made this observation, and I happen to think he is exactly right. He said: ''We have a sense of Senate resolution on asparagus. They don't mean a whole lot.''

Well, I have heard a lot from my constituents back in Texas who just wonder what in the world are we doing here in Washington debating a series of nonbinding resolutions. Senator DODD has it exactly right. To show the dignity of these nonbinding resolutions, we even have a Senate resolution on asparagus. It is demeaning and inappropriate, in my view, for us to be talking in those kinds of terms when it comes to something as serious as Iraq.

Then there was the Murtha plan, named after Representative JACK MURTHA, the Democrat from Pennsylvania. This is Representative MURTHA's plan. He said:

> They won't be able to continue. They won't be able to do the deployment.

This is his plan.

> They won't have the equipment, they won't have the training, and they won't be able to do the work. There is no question in my mind. We have analyzed this and we have come to the conclusion that it can't be done.

So this is what the Democrats in the House have had to offer in terms of resolutions: Let's not vote to cut off funding, but let's tie our troops in so much redtape and deny them the ability to be successful with the new plan the President has proposed in Iraq. That was on February 15.

Representative JIM COOPER, a Democrat from Tennessee, I think tagged it right, tagged Representative MURTHA's plan correctly. He said on MURTHA's clumsy strategy:

> Congress has no business micromanaging a war, cutting off funding or even conditioning these funds.

That was what Representative JIM COOPER said on February 23 in the Washington Post.

Congressman CHET EDWARDS from my State of Texas, another Democrat, said:

> If you strictly limit a commander's ability to rotate troops in and out of Iraq, that kind of inflexibility could put some missions and some troops at risk.

He said that on February 23 in the Washington Post.

The latest resolution, the Biden-Levin proposal, was described by Senator JOE BIDEN of Delaware, the chairman of the Foreign Relations Committee in the Senate, another Democrat candidate for President: ''And that resolution can be simply entitled: Revoke the authorization.''

What he is talking about is revoking the authorization of the use of military force that Congress passed in 2001. He is talking about, in 2007, going back to 2001 and revoking the original authorization for use of military force that has resulted in 130,000 American troops currently in Iraq.

Senator BIDEN said this:

> The next best step is to revoke the authorization the United States Congress gave to the President to go to war in the first place.

He said that in Des Moines, IA, on February 17.

Senator LEVIN, the chairman of the Senate Armed Services Committee, a Democrat of Michigan, said:

> We should limit the mission. One thought is that we should limit the mission to a support mission. In other words, an anti-terrorist mission to go after al-Qaida in Iraq, to support and train the Iraqi Army, to protect our own diplomatic personnel and other personnel in Iraq.

So Senator LEVIN's proposal would be to limit the mission, to put conditions on our troops and on the rules of engagement that would deny them the ability to be successful, if they were otherwise able to be successful. He said that on September 19.

Representative CHET EDWARDS, again of Texas, a Democrat, I think nailed it. He said:

> I think Congress begins to skate on thin ice when we start to micromanage troop deployment and rotation.

He said that on February 23, 2007.

Then there are other resolutions by other candidates for President.

The Senator from Illinois, Mr. OBAMA, on his resolution said:

> The time for waiting in Iraq is over. The days of our open-ended commitment must come to a close. The need to bring this war to an end is here, and that is why today I am introducing the Iraq War Deescalation Act of 2007.

That was on January 30, 2007. He wanted to cap troops who could be deployed into Iraq and opposed the President's plan.

Then Senator CLINTON, on her proposal, said:

> I don't want to defund our troops, I am against that, but I want to defund Iraqi troops.

Just remember, a moment ago Senator LEVIN in his resolution said he wanted to train and equip the Iraqis, and now Senator CLINTON says she wants to defund the Iraqi troops. She said:

> I want to defund the private security going for the Iraqi government if they don't meet these certain requirements.

She said that on FOX News, a special report with Brit Hume on January 18, 2007.

I could go on and on. I know the Senator from Florida is here and wants to speak on the same topic. But the plethora of resolutions that seem to be emanating from the other side of the aisle can't do anything but engender confusion about our aims in Iraq and in the Middle East, not only for our troops who put themselves in harm's way but for Iraqis who have allied themselves with us, who have helped us. I would think that out of the new majority, at least there ought to be a consensus on what it is we ought to be doing there, that we ought not to be leaving our troops with any doubt in their minds about our commitment to support them. We ought not to be leaving any of our friends in Iraq, who have allied themselves with us by helping us, to doubt, wondering whether we would pull our troops out precipitously and leave them exposed to a huge humanitarian crisis and a huge ethnic cleansing by the violence that would ensue.

My hope is we will give this new plan a chance. As the Iraq Study Group said, they believe they could support a surge, under appropriate conditions, on page 73 in that report—a bipartisan report of a group who have been given great weight in Congress. They have studied the issue and made recommendations to the President. The President has consulted broadly with a large number of people, military experts, people on both sides of the aisle, and has come up with not only a new commander but a new plan, and we have a new Secretary of Defense.

I fail to understand, and I cannot understand, why it is there are so many people who are determined to see that plan be unsuccessful by not providing the troops, by not providing the funding, and by tying our troops' hands with redtape, in terms of the rules of engagement and the conditions under which they fight.

Mr. President, I ask our colleagues on the other side of the aisle to work with us and come up with some plan that can have the support of the Members of Congress. As I said, it used to be that differences between political parties stopped at the water's edge, particularly on a matter so important as our national security. A confusing message is sent by these revolving-door resolutions that are mutually contradictory and inconsistent and do nothing to help us win the war there, to stabilize Iraq, and to bring our troops home as fast as we can.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I follow the remarks of my colleague from Texas regarding the situation in Iraq and our own situation as it relates to that effort. I wish to pick up on what he said, which is that for so long in the history of our Nation, politics ended at the water's edge. I wish we could go back to the days when we would look at our troops fighting overseas in an effort as significant as this is—the current war against radical Islam—as something that could unite us all as Americans, where we might shed party labels and also shed personal political ambition.

I cannot help but notice, as the Senator from Texas was recounting all of the various plans that have been proposed from the other side, that most of them seemed to come from those labeled as a Presidential candidate. It seems everybody tried to have a different nuance on yet another micromanaging strategy to satisfy their personal political goals.

So how do we serve our national interests best? We should not be fighting a war from the political landscape of Washington. That is a recipe for defeat. We should follow the strategy of General Petraeus, who is in the field, who is the allied commander of our troops in Iraq, who does believe the current strategy we are following is one that has a reasonable chance for success. There is no guarantee, but it has a reasonable chance for success. That strategy has now been unfolding for several days. There has been a change on the ground. It is a strategy I know many forget, but it has multiprongs to it. It is not just the military reinforcements over Baghdad and the Iraqi forces taking the lead in Baghdad with our support, but it also has a political and an economic component. The political component—and I had to look for it because it was not on the front page—was that the Iraqi Cabinet approved yesterday an oil-sharing agreement for their country, which now goes to the Iraqi Parliament for their approval. That is one of the key cornerstones of beginning to achieve a political settlement—reaching an accord on the sharing of oil revenue—so there can be a sense of nationhood, so there can be a coming together of the different factions within Iraq. It is a very important component of a political settlement. I know other settlements are being added to the military and, at the same time, we understand some of those folks we would not want to be partners with. There are elements from the old Baathist Army that can be incorporated. Most of these are Sunnis, which is leading to a greater sense of confidence in the Sunni population. We see shifting and changing on the ground. We see that al-Sadr is taking a slightly different approach. He is anti-American, but at the same time the streets of Baghdad seem to be a tad quieter.

We have a long way to go, but we are making some progress. I believe it is important we note even the small measures of progress. I know our troops on the ground, our brave men and women fighting in Iraq, do notice these changes and understand they make a difference in the lives of the Iraqis. When our men and women who volunteer to serve our Nation are deployed and they go into battle, they should never for a moment have any hesitation in their minds or wonder whether they will have the tools they need to successfully perform their mission while defending themselves and the civilians they are working to protect.

The concept of opposing the war but supporting our troops seems untenable, when part of that same plan is one that will not allow reinforcements into battle, will not allow the equipment necessary, and has been described as a slow-bleed strategy. That kind of a strategy accomplishes nothing toward victory, and it does damage our troops, their morale and their mission.

Our President is the Commander in Chief. He is the leader of our Nation's military. Congress voted to authorize the President under the present circumstances. Resolutions in Washington of all flavors and varieties might make for good politics, but they do not make good sense as a military policy and a strategy for success. We only have one Commander in Chief at a time. Our Nation only has one Commander in Chief, and to micromanage our troops in the field is not what was ever intended by the constitutional responsibilities that divide the powers within our Government.

My colleague from Texas talked about Chairman LEVIN's comments. He made other comments in that interview. This was Sunday on ''Meet The Press.'' He said:

> We are trying to tie the hands of the President and his policy.

I will repeat that:

> We are trying to tie the hands of the President and his policy. We are trying to change the policy. And if someone wants to call that ''tying the hands'' instead of changing policy, yes, the President needs a check and balance.

I don't think that is a check and balance that was envisioned by our Constitution and Founding Fathers—tying the hands of the Commander in Chief in a time of war, while our troops are deployed and are shedding blood in battle. That is not what our Constitution ever intended.

Is it appropriate for Congress to tie the hands of the Commander in Chief in a time of war? I would say no. I believe most Floridians would agree with that—that this is not the time to tie the hands of the Commander in Chief. Should we keep the Commander in Chief from reinforcing our troops? In the judgment of military leaders, such as General Petraeus, the reinforcements are necessary, needed, and they are part of what will give us an opportunity for success. Should we keep the Commander in Chief from reinforcing these troops? The answer to that is also no. Under article I, section 8, of the Constitution, with regard to the Armed Forces, Congress is given the power of the purse and only the power of the purse. We have the responsibility to fully provide funding for our military forces, especially when they are at war and in harm's way, defending our Nation.

So what is the President's role in all of this? Article II, section 2, of the Constitution says the President is the ''Commander in Chief of the Army and Navy of the United States.'' He has command over the Armed Forces. He has the power and authority to deploy troops. He has the power and authority to direct military campaigns during wartime. For the Congress to tie the President's hands is not the right thing to do. It is outside the scope of what the Congress is supposed to do. This is not the checks and balances intended by our Founding Fathers. In a time of war, the Congress should only support our President, try to unite behind our troops and unite behind our effort. Our job is not to micromanage the handling of a war.

Another theory that has been advanced is we should continue to fight al-Qaida but not be involved in a civil war. I have not understood how we can have a strategy in a place that is as complex as Iraq is today to fight against one set of insurgents and not against another. We do know that a chaotic Iraq would be nothing but a haven for al-Qaida. We know that al-Qaida is resurging and reorganizing; our recent intelligence reports indicate that. Nothing would be more appealing or pleasing to them than to, first of all, validate their strategy, which is to create such an uproar in American politics through the deaths of our men and women in uniform and to end the resolve of our Nation so we would not continue to be steadfast in our resolve. This has been their avowed and professed strategy.

I believe for us to do anything other than continue forward in this hopeful effort for a victorious outcome would be nothing short of giving in to al-Qaida's strategy—their professed strategy. There is only one option, which has to do with the funding of our troops. I go back to the Gregg resolution. Senator GREGG had a resolution, and it was simply that we would support our troops. Our troops are in battle; we are in a time of war. This Congress sent them into battle by allowing the President to have the authority to do so. So at this time, the only resolution that I think is appropriate is the Gregg resolution, which has been discussed but not debated on the floor of the Senate. I look forward to an opportunity to have a full debate on that resolution. Hopefully, the leadership will allow it to come to the floor for a full debate and a vote.

The ACTING PRESIDENT pro tempore. Under the previous order, the

next 30 minutes will be under the control of the majority leader or his designee.

The Democratic whip is recognized.

IRAQ

Mr. DURBIN. Mr. President, I am glad we are discussing this issue. I am glad we are on the floor of the Senate to discuss the war in Iraq. I think this is an issue that is being discussed across America—over coffee pots in offices, in doughnut shops in the morning, at schools, in living rooms, and in churches. Everybody is thinking about this war, as they should. Those of us who are fortunate enough to live in the safety of America know full well that we have over 130,000 of our best and bravest sons and daughters, brothers and sisters, husbands and wives, risking their lives at this very moment in Iraq.

I have listened carefully to my colleagues from the other side of the aisle as they have come to the floor, including the last two, Senator CORNYN of Texas and Senator MARTINEZ of Florida. I have the highest respect for both of my colleagues. I count them as friends. I work with them on many issues. I respectfully disagree with them on their views on this war.

Senator CORNYN mentioned earlier he felt there should be a consensus among Democrats about what to do with this war, that if we have 50 or 51 Members on the floor, we ought to have a point of view. I say to the Senator from Texas that there are some things we agree on, on this side of the aisle. For example, when there was a vote 10 or 11 days ago on whether we should escalate the number of troops we are sending to Iraq, whether we should follow the President's proposed plan to send anywhere from 21,000 to 48,000 more soldiers into harm's way, 49 of 50 Democrats voted no.

We were joined by seven Republicans who crossed the aisle. Is there a consensus on the Democratic side on the President's plan? Yes. And it isn't just a consensus on the Democratic side; it is a consensus across the Nation.

This morning's Washington Post on the front page has the disclosure of an ABC News poll. Some 53 percent of the American people think it is time for a deadline for withdrawing forces from Iraq, and an overwhelming majority think the President's strategy is wrong.

To argue that the Democrats don't have a consensus position is not an accurate statement. It does not reflect what occurred in a vote that just took place a few days ago.

I am also troubled by the continuing reference to support of our troops. May I put that to rest for just a moment. Twenty-three of us in the Senate voted against this war in Iraq—1 Republican and 22 Democrats. But I will tell you, Mr. President, when the President came and then asked for funds to support our troops in Iraq, this Senator, and the overwhelming majority of those of us who oppose the policy, gave the President every penny he asked for. Our thinking was very clear: Though we may disagree with the policy, we can't put the burden of what we consider bad policy on the backs of our soldiers. We cannot shortchange them in any way in battle, even if we disagree with the battle plan of the Commander in Chief. So I voted not for $1 billion, not for $100 billion, but hundreds of billions of dollars for this war that I think is the wrong war. Why? Quite simply, if it were my son or daughter in uniform in this war risking his life, I would want him to have everything necessary to be safe and to come back home safely.

So, yes, we support our troops. Whether we disagree with this foreign policy or agree with it, Members of the Senate support our troops. But one cannot overlook the obvious. When it comes to the support of our troops, it goes way beyond a speech on the floor of the Senate.

On Sunday, February 18, Dana Priest and Anne Hull of the Washington Post wrote an article which has seared the conscious of America. It was part of a series about a military hospital, Walter Reed. I visited that hospital many times to visit our soldiers, marines, airmen, and sailors who were in recovery. I have been so impressed with the men and women, the medical professionals who perform medical miracles for these men and women who come home injured from the wars.

I listen to the soldiers and their families, and they are so grateful for what they have received at Walter Reed. As the article says at one point, Walter Reed has always been viewed as ''a surgical hospital that shines as the crown jewel of military medicine.'' And so it should be. Our men and women in uniform who have made the sacrifice deserve the very best.

If that were the message of this series in the Washington Post, it wouldn't have been noted or remembered by anyone because it would have been repeating the obvious. But, sadly, this series tells us something different.

Just a few minutes' drive away from where we are meeting in this Senate Chamber, at Walter Reed Hospital, there are buildings which are in deplorable condition. There are veterans and soldiers who are being treated in ways that are absolutely unacceptable. Let me quote a few words from this series in the Washington Post describing one of the buildings at Walter Reed Hospital:

> . . . [P]art of the wall is torn and hangs in the air, weighted down with black mold. . . . Signs of neglect are everywhere: mouse droppings, belly-up cockroaches, stained carpet, cheap mattresses.

The article goes on to say:

> The common perception of Walter Reed is as a surgical hospital that shines as the crown jewel of military medicine. But 5½ years of sustained combat have transformed the venerable 113-acre institution into something else entirely—a holding ground for physically and psychologically damaged outpatients. Almost 700 of them—the majority soldiers, but some Marines—have been released from hospital beds but still need treatment or are awaiting bureaucratic decisions before being discharged or returned to active duty.
>
> They suffer from brain injuries, severed arms and legs, organ and back damage, and various degrees of post-traumatic stress. Their legions have grown so exponentially—they outnumber hospital patients at Walter Reed 17 to 1—that they take up every available bed on post and spill into dozens of nearby hotels and apartments leased by the Army. The average stay is 10 months, but some have been stuck there for as long as two years.
>
> Disengaged clerks, unqualified platoon sergeants and overworked case managers fumble with simple needs: feeding soldiers' families who are close to poverty, replacing a uniform ripped off by medics in the desert sand or helping a brain-damaged soldier remember his next appointment.

Here is a quote from Marine SGT Ryan Groves, 26 years old, an amputee who lived at Walter Reed for 16 months. Here is what he says:

> We've done our duty. We fought the war. We came home wounded. Fine. But whoever the people are back here who are supposed to give us the easy transition should be doing it. . . . We don't know what to do. The people who are supposed to know don't have the answers. It's a nonstop process of stalling.

Walter Reed Hospital, the crown jewel of medical care for our soldiers who are giving everything in Iraq.

So now let's ask the question: Who is working to support our troops? Who is working at Walter Reed to support our troops? Rhetoric is easy on the floor of the Senate, but for these troops and for the families, it will take more than words of loyalty and respect.

I can recall when this debate started. As a Senator, I faced the toughest vote any Senator can face—a vote on a war. You know at the end of the day, if you go forward with the war, people will die—not just the enemy but our brave soldiers, as well as many innocent people. It is the kind of vote that costs you sleep, and it should.

I remember it so well. It was October 11, 2002, within weeks of the election. We had been subjected to a steady barrage of statements from the President and the administration about why this war was necessary. We had been told of weapons of mass destruction which not only threatened the region but even threatened the United States. We had been told of a ruthless dictator in Saddam Hussein who had gassed and killed his own innocent people. We had been told there was a connection between Saddam Hussein and the terrible events of 9/11 in the United States. We had been told even of nuclear weapons and the possibility of mushroom-shaped clouds if we didn't respond, and quickly, in Iraq.

But what we were told turned out not to be true. What we were told as the reason for the war turned out to be wrong. I was a member of the Senate Intelligence Committee, and I sat behind closed doors at confidential hearings and heard disputed evidence about

statements being made by the administration. I was sworn to secrecy. I couldn't walk outside the room and say: Wait a minute, this morning's headline about mushroom-shaped clouds is about nuclear weapons that even this administration is not agreed on. I couldn't say it because of my oath of loyalty to make certain I didn't disclose classified information. But I knew when it came time to vote that giving the President the authority to start this war was a bad decision, and that is why I voted against it. I think it was the worst foreign policy decision in my time in Congress. It is one that will haunt us for years to come.

Iraq has not become the last battle in the war on terrorism. Sadly, it has become a proving ground, a testing ground, a preparation place for training even more terrorists. Those are not my conclusions; those are the conclusions of our intelligence agencies.

When I listen to the Members on the other side say what we need to do in Iraq is send more Americans into that battleground, I ask myself: To what end? We were asked to do several things by this President, and we did them and did them well. We deposed that dictator, dug him out of a hole in the ground and held him accountable in the courts of his own nation. We searched high and low for weapons of mass destruction to destroy and could find none. We gave to the Iraqi people a chance for a free election, something they never had in their history. Our soldiers stood guard at the polling places so the Iraqi people could finally have their own voice and their own future. We let them choose their own leaders. We let their leaders form their own Government. We gave them more opportunities at the cost of American lives, American blood, and American treasure than any nation has ever given to Iraq in its history. We have achieved those things. We should be proud of those successes. But, unfortunately, despite all we have done, the Iraqis have not faced their own political responsibilities. After all of the years, after all of the money, after all of the training, and all of the time, they still don't have a police force that can stand up and defend the people of Iraq in the streets of Baghdad. If there is a threat of terrorism anywhere in the world, it isn't the army that has the major responsibility, it is the police force.

What do we know of the Iraqi police force in this surge, in this escalation? The press report over the weekend was troubling. We are sending American soldiers into the meanest streets and toughest neighborhoods of Baghdad where death is at every corner, death is at every door. They are searching these houses to try to find the insurgents who are causing the civil war. They are looking for weapons. They are looking for evidence of these bombs that are being set off and blowing through our humvees and armored vehicles, killing and disabling our soldiers. That is what our American soldiers are doing now, house by house, street by street, in this dangerous part of Baghdad, and they are accompanied by Iraqi policemen.

It sounds like a good thing until one hears the details. The details are that the Iraqi police are preceding American soldiers to the homes, warning the people in the homes to hide their weapons because the Americans are right behind them. We know this because our translators are telling our soldiers the Iraqi police are not helping. The Iraqi police are trying to cover up the insurgents' tracks.

So one wonders why some of us believe it is time for the American soldiers to start to come home? I think it is past time, it is long overdue. It is time for the Iraqis to stand up and defend their own country, to put their lives on the line, the lives of their policemen and their soldiers, to make the political decisions that need to be made that Iraq can someday stand on its own. As long as the Iraqis believe they can dial 9-1-1 and order up American soldiers to come and stand and fight and die in their streets, they will not accept their own responsibility for their own future.

Those on the other side say give this plan a chance. I regret to say we have given this plan a chance three different times. This is the fourth time the Bush administration has proposed sending more American troops in for a surge to end the war. I think there is reason to be skeptical, particularly when it is at the risk of more American lives.

Incidentally, when they make reference to the Iraq Study Group, this bipartisan group headed by former Secretary of State James Baker and former Congressman Lee Hamilton, when they talk about their proposal for a surge or escalation of troops, they forget to add the one important or two important elements: That was part of a surge in diplomacy, something this administration is loath to enter into. See, they believe we should be sitting down as a nation with nations in the region and trying to work out some stable resolution to this conflict in Iraq. The Bush administration has been reluctant to do that, but the study group called for it and, yes, they did call for the possibility of a surge in troops but only if we are bringing our troops out as of the end of March in 2008. They had a definite timetable for the removal of most American troops from this theater. The other side doesn't talk about that point, and certainly the President doesn't either.

One of the Senators came to the floor and said those of us who are critical of the President's policy are micromanaging the war. Somebody needs to manage this war. Somebody needs to manage a war which, as of this morning, has claimed 3,154 American lives.

We have been losing about three American soldiers every single day while we have been debating this war. I looked through this morning's list of soldiers, and I watch it on the newscast, and it is heartbreaking:

Specialist Christopher Boone, 34 years old, of Augusta, Georgia; Sergeant Richard L. Ford, 40 years old, of East Hartford, Connecticut; Specialist Louis Kim, 19 years old, of West Covina, California; Staff Sergeant David R. Berry, 37 years old, Wichita, Kansas; PFC Travis Buford, 23 years old, Galveston, Texas; Staff Sergeant Joshua Hager, 29 years old, of Broomfield, Colorado; and PFC Rowan D. Walter, 25, of Winnetka, California.

That is this morning's list. Sadly, every morning there is a list.

If there is a sense of impatience on this side of the aisle, if there is a sense of impatience across this land, it is because we know each and every one of those lives is so valuable to their families and to every single one of us. We want the day to come when soon these soldiers who are serving us so nobly and gallantly in Iraq can come home safely to the hero's welcome they deserve for serving their country so well.

Those of us who question this policy are being criticized because we are trying to micromanage this war. I wish I could. I wish I had the power. I do have the power, as a Senator, to speak up on this floor, to appeal to my colleagues to stand up, to ask them on a bipartisan basis to reach a compromise which will start to bring these troops home.

It is true we only have one Commander in Chief, but we also only have one constitution, and the Constitution makes it clear that the President, despite all of his power, doesn't have all the power in this town or this Nation. His power is shared, shared with the American people through their elected representatives in Congress, and that power gives us the authority to stand and debate.

Much has been said about Senator CARL LEVIN, who spoke on a television show, ''Meet the Press,'' this last Sunday. I watched that show, and I couldn't have been prouder of my colleague from Michigan. I respect CARL LEVIN so much. As chairman of the Armed Services Committee, he takes his job so seriously. I don't know of a more conscientious Member, carefully weighing every word of every bill, trying to make the right judgment not just for the moment but for the Nation. When he spoke on that bill about reauthorizing, about questioning the authority given to the President in October of 2002, I think he was right. I know what that resolution said. We passed it in October of 2002. It addressed two challenges and two threats that no longer exist. There is no Saddam Hussein and there were no weapons of mass destruction.

I think it is appropriate that we address this issue again and that we try to decide what we are going to do to move forward; first, revoking any authority given in a previous resolution that no longer exists; and, second, carefully defining the way we will bring our troops home, making certain we understand the assignments and responsibilities they will have into the future.

This is an awesome responsibility to discuss this war, to debate it on the floor of the Senate, and to do it in a constructive and positive way. I sincerely hope my colleagues on the other side of the aisle, those who are loyal to the President and those who are loyal to the President's policy, will encourage this debate, that they won't stop us with procedural obstacles, that they will allow the Senate to speak, to debate, and to express its will. We have tried before unsuccessfully, but we are going to try again. I believe this is an extremely important priority, perhaps the highest we face.

Having said that, the first bill that is likely to come up tomorrow, maybe later today, is on the 9/11 Commission recommendations. The 9/11 Commission, my colleagues will recall, was an effort to assess America's vulnerabilities after the attack on 9/11. That commission published a report that was widely read and applauded because of the leadership of Republican Governor Kean of New Jersey and Congressman Lee Hamilton, a Democrat of Indiana. They cochaired a panel, a very distinguished bipartisan panel, which came up with recommendations to make America safer.

Some several years later, we have not lived up to their recommendations and we haven't carried out their agenda. There is much we can do to make this country safer and we want to move immediately to considering their recommendations and implementing them, whether it is port security, whether it is a communication system in Illinois or other States that allows the police, firefighters, first responders, and the medical community to communicate quickly in the midst of an emergency, whether it is a matter of mass evacuation drills, which I have been asking for and which are included in this legislation. There are many things we can do, and specific things.

There are many who think we should move immediately to the debate on the war. We are only going to postpone it long enough to discuss these 9/11 Commission recommendations. The families of the survivors of 9/11 have appealed to us to make this a high priority. For that reason, and for that reason only, we may set aside the Iraq debate for a few days but not indefinitely. This debate needs to take place for the very simple reason that as we debate on the floor of the Senate, unfortunately, our sons and daughters are still in peril in Iraq. They are still caught in the crossfire of a civil war, and we are still losing too many good American lives every single day because of this confrontation taking place in Iraq.

In the meantime, we will be stepping forward to do something about Walter Reed Hospital, but we won't stop there. Walter Reed has to meet its obligation not just for inpatients, where they do a magnificent, an excellent job, but for those who are outpatients as well. We have to take this issue to the veterans hospitals and we have to ask the hard questions about whether the veterans of this war and all of our wars are being treated with the dignity and respect and care they deserve.

I salute the Washington Post and those who wrote these articles. I am sure they will receive recognition for bringing this to our attention. This will be a clear example and a clear opportunity for those of us who stand on the floor and give speeches about supporting our troops to prove we mean it.

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

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

The legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

SENATOR KENNEDY'S 75TH BIRTHDAY

Ms. LANDRIEU. Mr. President, I come to the floor today to join many of our colleagues in honoring one of our colleagues who celebrated a very special birthday last week; Senator KENNEDY from Massachusetts turned 75. He was congratulated and applauded and heralded throughout these last few days on that milestone. I have come to the floor to give a few brief remarks in honor of this tremendous achievement because it has been 75 years well lived, in dedication to this country.

He has been an inspiration to me and to many of us in the Senate. His energy, his commitment to his work, his constant thinking about new approaches and innovation is a testament to his presence and his service in the Senate.

I also wish to acknowledge that, at first, coming to the Senate I felt very close to the Senator. Mr. President, you would appreciate this because you are from a large Catholic family yourself. Senator KENNEDY was raised some years before I was but in a similar kind of situation, in a large and loving Catholic family, with strong parents and a real focus on community service and service to the family. That is apparent in his work. His Catholic upbringing and his deep religious beliefs are reflected in the teachings of the Catholic Church, about thinking not of yourself but of others, of service, of sacrifice. Many people talk about religious values, and I am getting somewhat skeptical the more I hear people talk. I am never skeptical of Senator KENNEDY because he actually lives the values he preaches. Sometimes some of the greatest things I see him do are not evident to the camera. I would like to share one of them. I could give plenty of examples.

Many people might be surprised to know that not only is Senator KENNEDY a champion of education, but he actually, for over 2 years, took time out of what is an extraordinarily busy and hectic Senate schedule to tutor a child, teaching him how to read. How would I know this? Because, on occasion, I had the great honor of sitting next to him in the library down the street, where I was trying to keep up with him and thinking if Senator KENNEDY can carve an hour out of his schedule, certainly I could try to do that as a freshman Senator. Needless to say, I could never keep up with the schedule. But I watched him and observed him one-on-one with a child no more than 10 years old, patiently teaching him how to read. The next year it was a little girl.

One particular day, he even had the foresight or kindness to bring his pet bunny from home. He has many pets—Splash the dog, being one, and Sonny. He brought his pet rabbit to the school, to the joy of the children perhaps to encourage them to read about animals, which is a good way to get kids interested in reading, to actually show them. He knew this instinctively. Maybe that is because of the family he is from or because of the kind of guy he is. He is an extraordinary and a very different kind of Senator. I have been inspired by him, and I am confident our colleagues have been as well.

I also wish to acknowledge the tremendous partner he has in Victoria Reggie Kennedy, a daughter of Louisiana. I have watched this couple grow in love and support of one another. I think they are a model for couples who are in public office. We could not find a better couple, in terms of their commitment to each other, to this body, to the Nation, and to the State of Massachusetts and, when they have extra time, to Louisiana. That was brought home when we experienced the last two hurricanes, Katrina and Rita. As you know, they struck our State in the latter part of the year 2005.

These storms were of historic proportion. It was hard to describe the damage—which I still struggle with trying to describe to this body. But there was one Senator to whom I did not have to take too long to describe the damage, and that was Senator KENNEDY, who got it immediately, perhaps because he has walked through south Louisiana with Vicki Reggie, his wife; perhaps he just has a big heart and great mind that can grasp situations fairly quickly; and perhaps because he leans forward always in his ability and his desire to help people in need. He didn't need the situation to be explained to him. He understood.

Not only did he help us pass one of the most extraordinary pieces of legislation in that whole confusing time of the first 6 months when we didn't know what levees had broken, where they had broken, whose they were, whose

fault it was, and everyone was blaming everyone, but Senator KENNEDY focused on getting 330,000 children into school, and he focused on getting them into the best school, any school, that would take them.

He passed legislation I think will serve this country significantly and powerfully in the decades to come. If any major catastrophe, whether manmade or natural, hits our country again, at least the families with children from K through 12 and the children who are in those grades will know they have a champion in Senator KENNEDY, who was not in the majority, but with Senator ENZI as chairman of the Education Committee and with a group of us who were committed to being their helpers, we passed an extraordinary piece of legislation that, with 1 million people having been evacuated from their homes, 250,000 homes destroyed, hundreds of schools, hospitals closed, literally within a few weeks, children were, for the most part, safely ensconced. Even those who found themselves in shelters for weeks and months at times were allowed and encouraged and welcomed into schools because of legislation that Senator KENNEDY passed.

In addition to showing up on this floor day after day fighting for that legislation and fighting against the extremes who wanted to turn it into a political football and vouchers, he held steady to allow children to go to public schools or Catholic schools—to allow children from Catholic schools to go to public schools and children from public schools to Catholic schools, which seems simple, but at the time it wasn't—he personally delivered to our office some nourishment and encouragement to my staff who were overworked and under tremendous stress and didn't call me to let me know he was coming, didn't call the news media to make sure they saw him bringing these things, but just showed up. To me and to my staff, that meant the world.

I thank him for his great service to this country on his 75th birthday. I will submit a lot more for the public record because his legislative achievements are quite long. Since they are well known, I thought I would add some points people might not know about this extraordinary public servant and Senator who turned 75. I only wish medicine would keep up with us so that he could serve another 75. That is unlikely, but I am sure in the final years, in the final chapters of his life, he will continue extraordinary service and will probably go down in history as one of the finest Senators to ever serve in this body.

TRIBUTE TO DR. CECIL J. PICARD

Ms. LANDRIEU. Mr. President, my remarks about Senator KENNEDY were for a happy occasion, but this is on a sad occasion. Last week—very close, actually, around the Senator's birthday—we lost our superintendent of education, Dr. Cecil Picard. Cecil Picard died prematurely of Lou Gehrig's disease, but he died in the arms of his loving wife of many years, surrounded by his children and his grandchildren.

We knew for a time—and he knew, of course—that the disease that he had been diagnosed with 2 years earlier was going to be fatal. Although he fought it bravely and courageously, it took his life last week.

My husband, Frank Snellings, served on the board of elementary and secondary education, and I want to say publicly what an inspiration Dr. Picard was to us, to our family but, more importantly, what an outstanding leader he was in the area of education reform in a State that he loved, a community which he loved and in which he served as a teacher, principal, superintendent, and then as superintendent of education of our State.

His passion and commitment to early childhood education was contagious. In fact, in the last several years of my knowing Dr. Picard, I never had a conversation with him when he did not mention this subject to me. He would say: Senator, when is the next meeting with the Department of Education? Senator, do the other Senators understand how important early childhood is to this country? Do they really understand that without this, our children will never be ready to learn and will never be able to access the great benefits of the education infrastructure that we put together for them? Don't they understand?

I would say to him: Cecil, unfortunately, they don't understand it the way you do. If everybody in this country had your passion and intellectual grasp of early childhood education, we would not be so grossly underfunded. Because of his work in Louisiana, we now have—and it is his legacy—LA4, Louisiana 4, which the majority—not all, not because of his lack of trying—our 4-year-olds in Louisiana are almost covered for early childhood opportunities. So when they show up and knock at that kindergarten door and that teacher welcomes them with open arms, those children can sit down at that desk or at that table and open a book and begin to really grasp and understand the letters and the meanings of words because they have been taught up to that point how to get their education started.

Of course, learning those early language symbols and numbers and social interaction is so important in those early years. Cecil knew this. His life was committed to education, to being a leader and an advocate for children, a champion for the profession of teaching, with his enthusiasm and ability as a legislator, which is where I met him as a State senator and as a legislator before he was a superintendent.

So as a father, a grandfather, a coach, a teacher, a principal, a senator, and as an education advocate, we cannot say strongly enough in Louisiana that we have truly lost a champion. We have truly lost someone who, in my lifetime, probably cannot be replaced. Hopefully, another Cecil Picard will come along, but they are few and far between.

So I wanted to say on behalf of the 4.5 million people I represent—and I can say this without fear of being contradicted—that he will be missed, but his legacy will be long remembered, not only in our hearts and minds but in the way people live. His legacy will be reflected in their life, in their productivity, and their contributions to our State and to our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

UNANIMOUS-CONSENT AGREEMENT—S. 184

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to withdraw the request to proceed to S. 184.

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

IMPROVING AMERICA'S SECURITY BY IMPLEMENTING UNFINISHED RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. BINGAMAN. Mr. President, I now move to proceed to S. 4 and send a cloture motion to the desk for consideration.

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. 4, a bill to implement recommendations of the 9/11 Commission.

Joe Lieberman, Russell D. Feingold, Ben Cardin, Robert P. Casey, Jr., Byron L. Dorgan, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, John Kerry, Ken Salazar, Ben Nelson, Carl Levin,

Jack Reed, Chuck Schumer, Jeff Bingaman, Barbara Boxer, Dick Durbin, Mark Pryor.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the cloture vote occur at 2:30 p.m., with the time between now and then equally divided, and that the live quorum be waived.

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

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum, with the quorum being equally charged to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of cloture on the upcoming vote on S. 4, which is the bill relating to the 9/11 Commission implementation.

I just saw, as I came into the Senate Chamber, outside in the reception room a handful of people whom I would call American heroes. These are women who lost loved ones on September 11, 2001, when terrorists brutally attacked innocent Americans here on our shores, in our homeland. They have taken their grief and worked very hard with many of us here, first to get the Congress and the administration to agree on the 9/11 Commission and then, when that Commission came in with its extraordinary findings and report, worked with us to see that legislation was passed which would implement so many of its recommendations. That was a remarkable bipartisan achievement which I believe has made our Nation safer from terrorist attack but not as safe as we need to be.

In the time that followed, the 9/11 Commissioners themselves asked us to come back and implement the unimplemented parts of their original report or to go back and take another look at the parts they believed and we believed were not adequately implemented or funded, such as homeland security grants or money for interoperable communication systems that in a time of emergency, after a terrorist attack or a natural disaster, enable our first responders to speak to each other in order to adequately and promptly protect us.

These women who are outside the Chamber, whom I saw as I came in, are here today to persuade the Senate to begin debate on legislation to fulfill the recommendations made by the 9/11 Commission. The legislation, S. 4, came out of our committee, and it was an honor and a pleasure, as always, to work with Senator COLLINS. The bill passed our committee with 16 votes in the affirmative and one abstention. It is a very significant, solid piece of work and will make America and the American people even safer.

Is it a perfect piece of work? No. We expect that many of our colleagues will look at different parts of the bill and will want to offer amendments. That is the nature of this process, and we look forward to a good, healthy debate. There is a sense of urgency, however. We are talking about homeland security. We are talking about continuing to raise our guard against the terrorists who attacked us on September 11th, 2001 and who we know are planning and intending to attack us again in this most unconventional and deadly warfare on behalf of a totalitarian ideology, radical Islam, which threatens us as much as the totalitarian ideologies we defeated in the last century. Together, both here at home and throughout the world, we will defeat this threat.

I wish to indicate that most of the bill before us, S. 4, came out of the Homeland Security and Governmental Affairs Committee. There are other parts that came out of the Commerce and Banking Committees, and they, in the ongoing process, will be blended with our bill.

I hope all of the Members of the Senate will vote for cloture so we can proceed to the debate, consider the amendments, get the bill passed, meet with the House in conference, and get a good bill to the President to sign that will build on the security enhancements we have achieved since that dark day of 9/11.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of invoking cloture on the motion to proceed to S. 4, the Improving America's Security Act of 2007. This legislation will strengthen our homeland security and will do so in the spirit that shaped the recommendations of the 9/11 Commission.

I have worked very closely with the committee's chairman, Senator LIEBERMAN, as well as with the Presiding Officer, a valued member of the committee, and with all of our committee members to shape this important legislation. Indeed, the committee voted unanimously on February 15 to report this bill. The bill before the Senate now is the product of careful collaboration among the members of our committee, State, local, and tribal governments, emergency response providers, the private sector, the administration, and other stakeholders. It has produced legislation that builds on the earlier work of the Committee on Homeland Security over the last 3 years.

During that time, the committee has produced numerous pieces of legislation implementing the recommendations of the 9/11 Commission and otherwise strengthening our homeland security. In the Intelligence Reform and Terrorism Prevention Act of 2004, Congress enacted many significant measures to achieve the goals of the 9/11 Commission. In fact, that bill implemented the most sweeping changes in our intelligence community in more than 50 years.

More recently, in the last Congress, we passed measures that greatly strengthened protections for America's cargo ports and chemical facilities—again addressing vulnerabilities highlighted in the Commission report. We also approved an overhaul and reform of FEMA that will help improve our emergency response and prepared negotiation, whether it is through terrorist attack or a natural disaster.

As reported by the Homeland Security Committee, S. 4 builds upon these past successes. It would authorize a comprehensive homeland security grant program that includes four vital programs to assist State, local, and tribal governments in safeguarding our lives and property. Our approach to this bill reflects our belief that homeland security is a partnership and that our State and local partners are vital to accomplishing this goal.

I will have much more to say about this bill as the debate proceeds. I will reserve the remainder of my time, if any does remain, and I urge my colleagues to vote to invoke cloture on the motion to proceed to this important bill.

As always, it has been a great pleasure to work with the committee chairman and others, including the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Mr. President, I yield back all the remaining time, and I ask for a vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I yield back the remaining time on this side.

The PRESIDING OFFICER. All time is yielded back.

Without objection, the cloture motion on the motion to proceed to S. 184 is vitiated.

CLOTURE MOTION

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

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. 4, a bill to implement recommendations of the 9/11 Commission.

Joe Lieberman, Russell D. Feingold, Ben Cardin, Robert P. Casey, Jr., Byron L. Dorgan, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, John Kerry, Ken Salazar, Ben Nelson, Carl Levin, Jack Reed, Chuck Schumer, Jeff Bingaman, Barbara Boxer, Dick Durbin, Mark Pryor.

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

The question is, Is it the sense of the Senate that debate on the motion to

proceed to S. 4, a bill improving America's security by implementing unfinished recommendations of the 9/11 Commission Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—97

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

NOT VOTING—3

Biden	Dodd	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, if no one is seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

TRIP TO IRAQ

Mr. KYL. Madam President, a colleague of mine asked a little earlier if I would give a brief report of a trip to Iraq, from which I just returned, and I thought I would take this time to do that. Several of my colleagues, both from the House of Representatives and the Senate, Democrat and Republican, were able to make this trip, and I want to report primarily on what we found when we went to Iraq.

I will start by saying we were in Israel the same day Secretary Rice met with Prime Minister Ehud Olmert and Palestinian President Mahmoud Abbas, and so we had an opportunity to speak with a lot of leaders in Israel as well about the status of the negotiations that had been thought to proceed there, but with Hamas now likely being a part of the Palestinian Government they are likely going to come to a halt. This is most unfortunate.

Obviously, neither Israel nor the United States can have direct dealings with a government which is dominated by a faction that refuses to recognize Israel's right to exist or renounce terrorism or agree to previous Palestinian agreements. This will complicate the process of reaching a permanent accord that the people in the Palestinian areas particularly want to have and the people of Israel also want to have in order to bring violence to a close against them.

So, unfortunately, the news out of Israel is pretty much the same as it has been year after year after year after year: Israel simply does not have a partner for peace at this time. Obviously, Secretary of State Rice is continuing to pursue the situation as best she can to try to help the Israelis achieve that situation.

With regard to the Iraq situation, I took away three primary points from our visit, and I want to discuss them briefly. The first is that after having talked to our commanders on the ground, General Petraeus and General Odierno, and a variety of other general officers as well as troops of other rank, and Iraqi leaders, there is a sense of cautious optimism about the new plan that has been announced and, in fact, is already being implemented. Our troops have begun to arrive, Iraqi troops arriving in greater numbers than before, primarily in the city of Baghdad, and a new military strategy and a political, economic, and diplomatic strategy has begun to play out.

Early signs are encouraging, though everyone cautioned that there will be signs of progress, because they think it is a plan that can succeed, but there will also be bad days.

Nobody should declare victory simply because things seem to be going well for a while. An illustration of this is for about 3 days prior to our arrival there had been no major incidences of violence in the city of Baghdad, yet they were not willing to applaud that too loudly. Good thing, because as we were leaving the country, a couple of car bombs exploded. Clearly, it will be a matter of progress that is not necessarily obvious and certainly will take a while to achieve.

Nonetheless, progress is possible this time because things are now different. In fact, the Deputy Prime Minister of Iraq told us that in his visits with people on the streets of Baghdad he was seeing something new, and he said it was an attitude that this time things are different; that there is an opportunity here for success, for a plan to succeed, where it didn't exist before. It is not simply because of greater American presence, it is also because the Iraqis are beginning to do things differently than they had done in the past.

Whereas some people call this a troop surge, I think it is important to note there are many other factors involved in addition to the addition of Iraqi and American troops. For example, the Iraqis are now going to be much more involved in maintaining control of an area after it has been secured. Sometimes in the past the Iraqi or American troops would take an area, would clear it of terrorists or militias, only to have those people infiltrate back when we left. Clearly, an Iraqi presence must be maintained in order for stability to be preserved, and that is what we are now beginning to see.

The Iraqi Shiite death squads and militia activity have gone way down. Again, this is, we believe, partially because of some things the Iraqi Government has done, rounding up about 600 of the Shiite troublemakers and working with the people in places such as Sadr City to persuade them it is better to not resist control by the Iraqi Army than it would be to fight. These are positive signs, but they are certainly not an end of the problems.

There are little things that are being done, for example, to prevent car bombs from going into marketplaces and blowing up a lot of people. They are beginning now to create what are in effect pedestrian malls such as we have in the United States, where vehicles are not permitted. It might still be possible for a single suicide bomber to go into a market and cause destruction but certainly not as much as a car bomb.

The point is, from a military tactical standpoint, the rules of engagement, the activities of the Iraqis, as well as what the United States is doing, all are working together to consolidate the gains that have been made there and to preserve them.

There is also a diplomatic, economic, and political aspect. The newly announced legislation to distribute the oil revenues of the nation to the people of the country is a very important political step that will give the people of Iraq more confidence in their Government. This was mentioned by our Ambassador Khalilzad when we were there. So from the military standpoint there are some signs this is already beginning to work, and I certainly hope our colleagues here in the Congress will do their best to allow this plan to work.

That brings me to the second point. Our commanders, both in Kuwait and Iraq, were very clear that it was important the Congress pass the supplemental appropriations bill to provide

the necessary equipment and reinforcements and not to tie down the tactics of the people on the ground. They are very concerned that we will somehow put limits on the kind of equipment that goes into theater or the number of troops or where the troops go or how they are deployed. Clearly, Congress should not be trying to micromanage a war, and I hope my colleagues who have discussed that in some preliminary way will see the detriment to such an action and will not offer resolutions that would change the way these commanders are able to do their job. This is something specifically that General Petraeus asked of us.

The third and final point is the Iranian influence in Iraq cannot be denied. It is true, I cannot read Farsi, the language of Iran. On the other hand, when General Odierno holds up an item, one of those explosive devices, and says, in Farsi this says ''made in Iran,'' I can't verify that, but I believe General Odierno. He pointed to batch and serial numbers on a variety of other weaponry and said, this can all be traced back to Iran.

We are clearly in a situation where we must make it crystal clear to the Iranian leaders this will not be tolerated. We have a right to protect our troops in Iraq and their interference will be intolerable. We have to find a way to get the Iranians to back off of that.

Those were three of the key impressions we took from our trip to Iraq, and I think it boils down to this: Some of our colleagues like to point to the Baker-Hamilton report and say that is what we should be doing instead of what we are doing. Remember what Lee Hamilton said in testimony before the Senate not too long ago. He said, the President's announced strategy should be given a chance to succeed. He specifically said, give it a chance to succeed.

I think there was some discussion of elements of the study commission's recommendations, such as a temporary troop surge, which is not inconsistent with what we are now doing. That is what I think we should do, give this plan a chance to succeed. Our troops in theater, our commanders, and the Iraqi leaders all believe they can see early signs of success in this program, even though it has just begun, and they are cautiously optimistic that it can succeed. I think it would be unconscionable for the Congress, seeing the beginnings of success here, to then act in any way that would pull the rug out from under our troops and make it impossible for them to achieve their mission.

I deliberately did not raise the question of the debate back here in Washington with the troops I met, but they raised it with me. They can see what is going on. They watch television. They are very well aware of what is being debated here. They are proud of what they are accomplishing. Their morale is high. Yet I submit to my colleagues that were we to pass legislation that would undercut their ability to perform their mission as they see it, clearly that situation could change, and this bothers our troops. It certainly, I think, would have the effect of causing our enemies to ask whether we have the will to see this through. As General Petraeus said, this is all about a test of will. Secretary Gates, I believe, and General Petraeus said it as well—in this war, it is a test of wills, and the United States has to make it clear we have the will to see it through.

From our perspective as legislators, we can take the example of the young men and women whom we put in harm's way to achieve a message. The example I take from them is they have the will. They understand what is at stake. They are proud of what they are doing, and they want us to help them achieve the mission. I think that is the least we can do under these circumstances. I hope my colleagues, as we debate in the ensuing days, will keep in mind what these folks in Iraq who are on the ground looking at this every day have to say about the situation and that we won't do anything to undercut them but that we will do everything in our power to support their mission.

Mr. LIEBERMAN. Madam President, I rise to speak about S. 4, but I thank my friend and colleague from Arizona, Senator KYL, for his report. It was very interesting for me to hear, and he will probably not be surprised to hear I was both encouraged and in agreement with a lot of what he had to say. I particularly heard that Senator KYL found in the field the first reactions to the implementation of the new plan for Iraq have been encouraging. We all understand it is early, but it conforms with what I have heard from people I have spoken to from Iraq, in that particularly in the neighborhoods in which the joint United States-Iraqi security forces have established dominance in Baghdad, there has been a remarkable and significant drop in the sectarian violence via death squads. Obviously, it is still possible, if someone is crazy enough to be prepared to blow themselves up in a car in a crowd, that the bombings will occur, but I appreciate that encouragement.

I also agree with Senator KYL that both Houses of Congress spoke on these nonbinding resolutions. My colleague and I were both against them. So I suppose what it shows is at this point there is a majority in both Chambers, although not 60 votes here, that is prepared to say in a nonbinding resolution they don't support the new plan, which Senator KYL and I would say is a new plan to achieve success in Iraq, but that there clearly, in my opinion, are not the votes, not a majority in either Chamber, to do anything else, and certainly not to cut off funding for the new plan, which is the specific authority Congress is given in the Constitution.

So I want to echo what I heard Senator KYL say, which is that I think this is the moment for a pause over on this side for what I have called a truce in the political war here about the war in Iraq.

Let's give General Petraeus and his troops an opportunity to make this work. If, God forbid, they don't, then there will be plenty of time for amendments and resolutions and all the rest because between now and then—General Petraeus said to us, when he was here before the Armed Services Committee, that by the summer he would have an idea, based on some evidence, of whether the new plan was working, and he would report to us. He will begin to report quite soon, I think, on what he is seeing.

Since I don't see that there is anything that will pass both Houses, certainly nothing that will pass both Houses and be signed by the President to try to block the carrying out of this new strategy, then I think everybody would gain if we just did something that doesn't come naturally to us, which is to remain silent for a while—particularly if the sound and the fury will ultimately accomplish nothing between now and then.

I thank my friend from Arizona.

Madam President, I rise to speak about S. 4. I thank my colleagues for voting overwhelmingly to invoke cloture on S. 4. The bill, if I understand the state of parliamentary play now, actually will not be formally before the Senate for debate and amendments until tomorrow morning. But I thought I might expedite the matter—because this is a big bill, it is an important bill, there will be many amendments; I think we will be on it several days—if I came over and offered my opening statement on the bill today. I believe Senator COLLINS, the ranking Republican member on the committee, may intend, as her schedule allows, to do the same.

Incidentally, Senator COLLINS and I have—what was for me an honor—worked very closely together on this bill to bring it out of committee. I am very pleased the final vote was across party lines: 16 in favor, 1 abstention. So we bring the bill to the floor with a real sense of bipartisanship.

The bill represents the hard work of the membership of the Homeland Security and Governmental Affairs Committee and includes provisions that are in the jurisdictions of other key committees as well, particularly Commerce and Banking, during which occasions Senator INOUYE and Senator DODD may exercise their right, with my encouragement, to manage those parts of the debate.

I thank the majority leader, Senator REID, for working with all of the committees that have contributed to this effort in bringing before the Senate this comprehensive legislation that I am convinced will make our country safer. I look forward to working in the days ahead with my colleagues on both

sides of the aisle to move the legislation through the Senate, into conference committee, and then ultimately to the President's desk for signature.

September 11, 2001, shocked us. It was a tragedy of unspeakable proportions and human loss. It showed us, in that loss, how we had suffered from what the 9/11 Commission itself called a failure of imagination. By that they meant an inability to imagine that there were people in the world who would do something this outrageously inhuman, striking buildings, symbols of America, but without regard to the diversity of human beings in those buildings and the lives that they were leading.

Someone said that on 9/11 the terrorists showed that they hate us more than they love their own lives. That awakened us to our vulnerability and brought us into a new age.

I spoke, when I spoke on behalf of cloture, of the families of those we lost on 9/11 who have been persistent and honorable and inspiring advocates for closing the vulnerabilities that compromised and ended the lives of so many of their loved ones. They fought with us on behalf of the bill that Senator MCCAIN and I introduced to create the 9/11 Commission. They then worked very hard to advocate for the recommendations of the 9/11 Commission. They deserve a lot of credit, as do a lot of other people in Congress and in the administration, for the passage of the 2004 intelligence reform legislation that adopted so many of the recommendations of the 9/11 Commission.

In that bill we created a strong Director of National Intelligence to forge greater unity of effort among our intelligence agencies as they moved forward to inform us about the plans and activities and intentions of our enemies, to stop them before they strike us again.

There are many reasons on this day we can be grateful that America has not been the victim of terrorist acts again. Some of it is just plain good fortune. Some of it, however, I think is the work of the agencies created by the 9/11 legislation in 2004. Some of it is, without doubt, a result of the grace of God. We created in that bill also a National Counterterrorism Center to improve interagency planning to achieve goals in the war against terrorism.

One of the most exciting moments I have had as a Senator was to go out to the National Counterterrorism Center. I urge my colleagues to take the time. Established by the 9/11 legislation in 2004 to make sure, to use a very simplistic metaphor for a very complicated situation, that never again would our Government fail to connect the dots that would have presented the warning that a terrorist attack was coming.

This National Counterterrorism Center is out there. It has all the relevant agencies, they are constantly streaming information, receiving information from around the country, around the world, and cooperating with one another to protect our security. We mandated in the 2004 legislation the development of an information sharing environment to facilitate the sharing of national-security-related information among the different branches and agencies of the Federal Government and also to make sure that the Federal, State, and local governments were cooperating. When you think about it, State and local first responders are not just first responders, they have the ability, with the hundreds of thousands of eyes and ears that they bring to law enforcement, to be also first preventers. That was a goal of the information sharing environment we established.

In the 2004 legislation we made significant improvements to border and transportation security, focusing on aviation security, of course; building on legislation passed in the immediate aftermath of 9/11, because of our obvious anger that the existing systems of our aviation structure were used to attack the American people directly.

This is only a partial list of some of the significant achievements that resulted from that legislation that I am convinced improved our Nation's intelligence capability and the security of the American people at home. But we know from ongoing congressional oversight, from the work of the members of the 9/11 Commission who continued to be focused on our homeland security, and from common sense, that there is more to be done. Senator REID made adoption of this 9/11 implementation legislation a priority for this Congress.

At a hearing in January that I was privileged to call as the new chairman of our committee, Homeland Security, 9/11 Commissioners and family members of 9/11 victims urged us to go forward and finish the job that we started with the 2004 legislation: to implement parts of the report that were unimplemented by that legislation and to go back and look at some things that were not quite working right or were not fully implemented and see if we could do a better job to close some of the gaps that we left after 2004.

Some of the important Commission recommendations we included in the Senate legislation in 2004 were taken out or diluted in conference. Other provisions that Congress did enact have unfortunately been implemented poorly.

How important is it that we go ahead with this legislation to finish the job we started after the 9/11 Commission report? Let me quote from the 9/11 Report:

> The men and women of the World War II generation rose to the challenges of the 1940s and 1950s. They restructured the government so it could protect the country.
>
> That is now the job of the generation that experienced 9/11. Those attacks showed emphatically, that ways of doing business rooted in a different era are just not good enough. Americans should not settle for incremental, ad hoc, adjustments to a system designed generations ago for a world that no longer exists.

This bill that we will begin considering in the Senate tomorrow continues the process of securing our Nation in this new era where our enemies don't wear the uniforms of soldiers or follow any traditional laws of combat but, rather, move silently among us, probing for weaknesses while plotting attacks on innocent civilians.

This bill will strengthen our ability to respond to not just terrorist attacks but also preparing our Federal, State, and local governments to better respond to natural disasters. We are trying to create an attitude in this bill, an ''all hazards'' attitude that increases our homeland security against the threat of terrorist attack, but also, in doing so, prepares our Government to respond better to natural disasters—of course, thinking now of the extent to which our Government at all levels showed that it was incapable of responding adequately during Hurricane Katrina.

Let me now discuss some of the important provisions in the bill. The first I want to talk about is information sharing. The 9/11 Report showed us that the different agencies had different pieces of information that should have aroused suspicion about the attack that came on 9/11, but because those pieces were never pulled together, there was no way to assemble that monstrous mosaic and to see the full picture it created so as to be able to stop it. One of the most important innovations since 9/11 is the establishment of fusion centers to share information within and between States. This legislation would improve the crucial sharing of intelligence and information both within the Federal Government and with State, local, and tribal governments, as well as creating standards for those State, local, and regional fusion centers that will be tied to the allocation of homeland security grants.

While preserving the authority of State and local governments over fusion centers, this legislation, S. 4, requires DHS, the Department of Homeland Security, to provide essential elements of support and coordination to the centers. It authorizes the assignment of homeland security intelligence analysts to the centers to lend their expertise and to serve as a channel for information to and from the Federal Government. It also creates a program for State, local, and tribal officials to spend time at the Department of Homeland Security's Office of Intelligence and Analysis to learn about its intelligence information sharing functions and to serve as a link to the State and local governments.

This legislation also will strengthen the information sharing environment which we created in the 2004 legislation. It will enhance the authority of the Program Manager for that environment by allowing the issuance of Government-wide standards whereby all

agencies of the Federal Government would be required to operate under the same rules and guidelines and would not be permitted to conceal information.

The legislation, S. 4, would encourage the elimination of principles such as ''need to know'' which allow the holder of information in a given Federal agency to control its dissemination to other governmental agencies and, thus, act as a bureaucratic barrier to effective information sharing. We, instead, aim to encourage, through this legislation, the development of a ''need to share information'' culture in which information is made available—with appropriate safeguards, of course—to all who could make use of it in the war against terror.

Let me go now to homeland security grants. This legislation will enhance homeland security grants to State and local governments and first responders. We simply have underfunded this critical element of homeland security. The first responders, first preventers, need more help to better protect their constituents, those who live in the areas they serve, from potential terrorist attacks and natural disasters.

Our proposal, S. 4, would authorize over $3.5 billion for each of the next 3 years for key grant programs. It turns around a precipitous decline in funding for homeland security. It provides for a comprehensive system of both terrorism-oriented and all-hazards grants. It will ensure that grants primarily intended to bolster prevention of and preparedness for terrorist attacks will be distributed overwhelmingly based on the risk to an area from a terrorist attack.

Our committee believes we have achieved a balanced proposal that gives most of the money out based on risk but still recognizes there is risk in this new post-9/11 age everywhere and that in an all-hazards approach, first responders everywhere need to be assisted to protect their citizens not just from a potential terrorist attack but from the consequences of a natural disaster.

Interoperable communications: We have known for decades we needed to improve communications operability and interoperability at the different levels of Government. Yet tragically the inability of fire and police to communicate with one another at the World Trade Center after the attacks of 9/11 cost lives. That is a painful fact. Hurricane Katrina showed us once again how important it is to have communications that can both survive the initial disaster and have the capabilities to allow different first responding agencies to talk to each other by sharing voice as well as data communications.

Under this grant program, States would be required to demonstrate that the grants they are applying for and receive would be used in a way that is consistent with their statewide communications interoperability plans and the National Emergency Communications Plan. In other words, this is not going to be just ad hoc proposals from every first responder for some money to use as he or she desires for their vision of interoperability. It has to be part of a statewide plan connected to the national plan.

The States receiving the money would be required to pass at least 80 percent of the total amount of the grants they receive on to local and tribal governments. The legislation authorizes $400 million for interoperability improvements—lifesaving, in my opinion—in 2008; $500 million in 2009; $600 million in 2010; $800 million in 2011; and $1 billion in 2012.

Let me go on to terrorist travel. The legislation contains provisions to improve our ability to disrupt terrorists' travel and infiltration of the United States, which the 9/11 Commission said was just as important as crippling their financial networks. That certainly makes sense.

It requires the Department of Homeland Security and the Department of State to implement security enhancements to the so-called visa waiver program. It also is increasingly clear that serious vulnerabilities exist within the visa waiver program. There are enhancements to the program that, if adopted in this bill, will close many of those vulnerabilities, including mandating improved reporting by foreign countries on the visa waiver program of lost or stolen passports, requiring countries to share information about prospective visitors who may pose a threat to the U.S., and authorizing an electronic travel authorization system which would require travelers to apply in advance for authorization to visit America, thus allowing their names to be checked against terrorist watch lists well before they board airplanes.

I note Senator COLLINS is on the floor of the Senate, our ranking member. I am going to yield to her in a few minutes. But she has considerably strengthened this section of the bill to protect America from people with the intent to harm us through acts of terrorism using this visa waiver program.

Next, privacy and civil liberties: This legislation also makes important steps forward to ensure that as we fight terrorism, we do not trample on the rights of Americans we are pledged to defend. The legislation includes provisions very similar to those included in the Senate-passed version of the Terrorism Prevention Act with regard to the Privacy and Civil Liberties Board.

I now move on to biosurveillance. The legislation enhances sharing of critical information by authorizing and improving upon an existing effort within the Department of Homeland Security to establish a National Biosurveillance Integration Center.

Next, private sector preparedness: The 9/11 Commission found that the private sector remains largely unprepared and that ignoring private sector preparedness could come at a huge cost because so much infrastructure, so many targets of terrorists are in private hands. To address this critical problem, S. 4 will promote private sector preparedness, without a mandate, by creating a voluntary certification program that will allow private sector entities to become certified as being in compliance with recommended national preparedness standards. This is an important step forward and will quite sensibly promote, for instance, evacuation plans and steps beyond that.

The legislation also strengthens private sector preparedness by requiring that the Department of Homeland Security establish and report on a list of critical infrastructure across the Nation that would cause catastrophic damage if disrupted, or destroyed. This will strengthen and clarify what is a murky process right now and will focus our attention on protecting those parts of critical infrastructure.

Our legislation also improves upon the existing National Strategy for Transportation Security by ensuring that risk-based priorities identified by the Department are based on the risk assessments conducted by the Department.

The legislation also requires the President and Congress to publicly disclose the total amounts of appropriations requested, authorized, and ultimately appropriated for the American intelligence community. This responds directly to a recommendation of the 9/11 Commission and will improve Congress's ability to oversee the conduct and progress of our intelligence agencies creating standards of accountability.

I stress, this is the bottom line of the budget: to give Members of Congress and the American people an idea of how much we are investing in intelligence to protect their security and give us some sense of the accountability that we should apply to the intelligence community in delivering that funding.

TSA screeners: This will be debated at some length, I am sure. The legislation includes a provision which I was pleased to cosponsor with the occupant of the Chair, Senator MCCASKILL from Missouri, which will ensure that screeners at the Transportation Security Administration—with whom we have become very familiar as we come and go from airports—have the same employment rights as others in TSA and the Department of Homeland Security. There is no good reason to deny these rights to these people. We are only applying to them the same rights as other people within TSA and others in law enforcement in the Department of Homeland Security have, with no negative effect on their performance of those responsibilities.

Madam President, as you can see, this is a very comprehensive bill. I have not touched on many parts of it in this statement. I have tried to focus on the most important. What I am convinced of is that if this bill passes and

becomes law, the American people will be safer from both terrorism and the consequences of natural disasters, such as Hurricane Katrina, than they are today.

All of the hard work of the committee members, including particularly my ranking member, Senator COLLINS, gives me some sense of confidence, along with the work done by our staffs on both sides of the aisle, that this bill really will achieve the goals the 9/11 Commission stated in their report and the hopes that the families of those who were lost on 9/11 have that we act in a way on their behalf and on behalf of all the American people to be able to say we have done everything possible to make sure no other Americans suffer the tragic pain and continuing loss that these American heroes suffered when their loved ones' lives were ended in the brutal terrorist attacks of 9/11.

I have a sense of urgency about this bill. I believe every day we do not do some of the things this bill would enable and establish and support financially is another day in which we are not as secure at home as we should be. This is the carrying out of the first constitutional responsibility we have to ensure domestic tranquility and provide for the common defense, to do so in a way that those who wrote the Constitution could never have dreamed we would have to do. But that is the world we live in today. That is the reality we must face. This is the action we must summon and carry out together to dispatch our responsibility.

Madam President, in the preface to the 9/11 Report, Chairman Kean and Vice Chairman Hamilton wrote:

> We hope our report will encourage our fellow citizens to study, reflect—and act.

Well, we have studied and we have reflected. Now is the time, once again, to act to build a safer and more secure America for the generations to come.

I look forward to a good, spirited debate. I hope when we are done, the bill will be even stronger than it is today. We will start tomorrow. I urge my colleagues to come to the floor, even this afternoon, to file amendments because Senator COLLINS and I would like, when we move to this bill tomorrow morning—having carried out our managers' responsibility to make opening statements—to move right to the amendments.

I thank the Chair.

I think Senator COLLINS was called from the Senate floor momentarily, but I know she will be back before I yield.

Madam President, the consent request I am about to propound has been cleared on both sides.

I ask unanimous consent that following morning business on Wednesday, February 28, the Senate proceed to the consideration of Calendar No. 57, S. 4, the 9/11 Commission recommendations legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, on behalf of the leader, I am happy to announce there will be no further rollcall votes today. I know Senator COLLINS will return soon and make her opening statement on the bill.

I thank the Chair very much, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Madam President, I rise to support S. 4, the Improving America's Security Act of 2007. This legislation would strengthen our homeland security and would do so in the spirit that shaped the recommendations of the 9/11 Commission.

As my colleague and friend Senator LIEBERMAN has already indicated, the Committee on Homeland Security voted unanimously on February 15 to report this bill. The bill before us is the product of careful collaboration among members of our committee; State, local, and tribal governments; emergency response providers; the private sector; the Administration, particularly the Department of Homeland Security; and other stakeholders. This collaboration has produced legislation that builds on the work of the Homeland Security Committee over the last 3 years. During that time, the committee has produced numerous bills implementing the recommendations of the 9/11 Commission and otherwise strengthening our homeland security. This bill helps to complete the picture.

The vast majority of the 9/11 Commission's recommendations were enacted in 2004 as part of the Intelligence Reform and Terrorism Prevention Act. There were, however, some recommendations that did not make it through the process or were not incorporated into that bill, and those are reflected in the legislation before us.

The Intelligence Reform Act was a bipartisan effort by the Homeland Security Committee, and it made possible the most significant reforms in the structure and operations of our intelligence community in more than 50 years—in fact, since the CIA was created after World War II. Indeed, approximately 39 of the 9/11 Commission's 41 recommendations have been acted on in one form or another. More recently, Congress passed measures that greatly strengthen the protections for America's cargo ports and its chemical facilities—again addressing vulnerabilities highlighted in the Commission's report and by other experts on terrorism. So during the past 3 years, in fact, a great deal has been done to help make our Nation more secure and to improve our defenses and capacity to respond to terrorism attacks.

The Homeland Security Committee also conducted a comprehensive, bipartisan investigation of the Federal, State, and local preparation for and response to Hurricane Katrina, our country's first real test of its homeland security apparatus since the attacks on September 11 of 2001. Our investigation found significant failures in emergency planning, preparation, and response at all levels of government. As a result, we issued a comprehensive report that summarized our investigation. Our investigation included 24 public hearings, interviews of more than 400 people, and the review of literally hundreds of thousands of investigations. It also included the issuance of subpoenas because we wanted to make sure we had access to all the information we needed. As a result of this investigation, the committee issued a detailed report and drafted legislation based on those recommendations. That legislation was incorporated into the Homeland Security appropriations bill which the President signed into law last year.

The FEMA Reform Act built upon the 9/11 Commission recommendations already enacted by reforming the structure of FEMA, enhancing its regional role throughout the country, and giving FEMA a primary place within the Federal Government for planning, training, and exercising with State and local officials.

As reported by the Homeland Security Committee then, S. 4 builds upon our past successes. The legislation before the Senate would authorize a comprehensive homeland security grant program. It includes four vital grant programs to assist State, local, and tribal governments in safeguarding our lives and properties in all catastrophes, whether natural or manmade. Taken together, these four grant programs—the Urban Area Security Initiative, the State Homeland Security Grant Program, the Emergency Management Performance Grant Program, and the Emergency Communications and Interoperability Grant Program—will ensure significant and predictable Federal funding for our State and local partners.

The program will support error-prevention activities such as fusion centers, all-hazards planning, training exercises, and the installation of reliable interoperable emergency communications systems. The bill will help to strengthen emergency preparedness and response. It also strikes the right balance between targeting funding to jurisdictions the Department determines to be at the highest risk and ensuring a baseline of adequate funding for prevention and preparedness across the country because we know that our Nation's homeland security is only as strong as its weakest link.

Let me comment in more detail on these programs. With respect to the Urban Area Security Initiative, also known as UASI, the bill retains the current practice directing the Secretary of Homeland Security to award

grants based solely on risk of terrorist attacks. Clearly, our largest urban areas present attractive, high-value targets to terrorists. Our legislation, the Lieberman-Collins legislation, recognizes that fact, but it makes one sensible change. The Department's eligibility criteria for UASI grant applications has been, to say the least, arbitrary and controversial. For that reason, our bill would expand the potential pool of applicants beyond the current limit of 45. Instead of requiring the Department to select which cities are eligible to apply, S. 4 would expressly permit the largest 100 metropolitan areas to make their case for funding.

Unfortunately, terrorist attacks do not respect city limits. A major attack could affect—or at least require—responses from many neighboring or regional jurisdictions. We also know that when we take a more regional approach, we have a more effective response. Our bill raises funding for the State Homeland Security Grant Program to $913 million from the $525 million appropriated in fiscal year 2007. This funding increase would also correct a serious deficiency in the proposed budget for fiscal year 2008. Unfortunately, the administration is calling for only $250 million for this important program. As with the UASI grants, each State would receive funding on the basis of risk but with a minimum award of 0.45 percent of the program funds. This will, once again, ensure a baseline level of preparedness and response activities across the country.

Hurricane Katrina illustrated that many of the actions required to respond to terrorist attacks are identical to those required for natural disasters. That is precisely why S. 4 would expand the emergency management performance grants. The EMPG has been a vital part of our national preparedness for years. Our bill seeks to increase its stature and importance by providing more funding and by authorizing States to use EMPG funds to construct and enhance emergency operation centers. The EMPG emphasizes all-hazards preparation, and the .75 percent minimum allocation and the population-based distribution of the remainder ensures that every State will receive assistance with planning, training, and exercises for vital functions such as evacuation, logistics, continuity of operations of government, and recovery. Those are skills which all States need to develop. Those are minimal levels of preparedness and response essential for every State. Every State has the potential for either a natural disaster or a terrorist attack or some other catastrophe or emergency. That is why it is important we develop that capacity in every State.

It is important for me to emphasize that S. 4 does not change EMPG's allocation formula; it merely codifies existing practice. The EMPG is basic insurance. As the DHS manual for the program observes:

> An all hazards approach to preparedness, including the development of a comprehensive program of planning, training, and exercises, encourages an effective and consistent response to any threatened or actual disaster or emergency regardless of the cause.

This view is consistent with the expert testimony before the Homeland Security Committee during our investigation of the failed response to Hurricane Katrina.

Now, some people have suggested that guaranteeing minimum funding for State and local preparedness is just another example of pork barrel politics. These people could not be more mistaken. As the Rand Corporation noted in a 2004 report on the preparedness of State and local law enforcement after the terrorist attacks of September 11, 2001:

> Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas.

Again, I make the point that we need to bring up all areas to a certain baseline level of preparedness. That doesn't mean we don't factor in risk; we do. Indeed, the majority of the funds in this bill would be allocated based on risk, and we provide more risk-based funding than is the case in current law.

The RAND report went on to recognize that much of our Nation's infrastructure and potential high-value targets are located in rural areas. We also cannot assume a precise calculation of risk. A Federal building in Oklahoma City was not an obvious target for a terrorist bombing. Yet, we know a tragic attack occurred in that city. Rural flight schools were not obvious training grounds for hijackers, nor was the Portland, ME, jetport an obvious departure point for terrorist pilots as they began their journey of death and destruction on September 11.

My point is that terrorists can shelter, train, recruit, prepare, or attack in unlikely places. In view of this cold reality, our bill requires that at least 25 percent of the funding from the UASI and State homeland security grant programs—that is at least $548 million—be used for terrorism prevention activities by law enforcement agencies.

Sometimes I think we forget the basic truth that if we can prevent a terrorist attack from happening in the first place, that is the best possible approach. We do need to be prepared to respond effectively, but how much better if we can detect and interdict the attack before it occurs. We know from experience here, as well as in other countries, that terrorists can be spotted and attacks intercepted by well-trained local police. The prevention of attacks through better policing must be a focus of our grant programs. The last grant program our bill creates is an emergency communications and interoperability grants program. These grants will help to close the alarming and persistent gaps in our first responders' ability to simply communicate with one another. As the tragic events of 9/11 and Hurricane Katrina demonstrated, this is often not the case.

Before the second tower of the World Trade Center collapsed on 9/11, the police received a radio message to evacuate, but, tragically, the firefighters never received that message because they used different radios and an incompatible frequency. The result was even more loss of lives. In the immediate aftermath of Hurricane Katrina, the first responders resorted to the use of runners to carry messages by hand from one command center to another because the communications infrastructure was so badly damaged. Well, the events of the magnitude of 9/11 or Hurricane Katrina, fortunately, do not occur every day. There are daily incidents, such as fires, rescues, and hazardous material spills that require different agencies and different jurisdictions to communicate with one another in real time and on demand. This is precisely why the emergency communications grants program is so important.

I will tell you it was very disturbing to hear, during our investigation of Hurricane Katrina, the same kinds of interoperability problems that occurred during 9/11. This is a problem we simply must solve.

Let me comment on some other important features of the bill. It improves protection against terrorists traveling to our country under the visa waiver program by requiring more timely notice from participating countries of lost or stolen passports. It also requires those countries to share more information about travelers who could pose a threat to our security. The bill improves information sharing, establishes multijurisdiction fusion centers in order to encourage information to be shared, and allows the assignment of DHS intelligence analysts to those centers. The bill expands upon a requirement in the Homeland Security Act by requiring DHS to create a prioritized list of critical infrastructure and highest risks for terrorist attacks and other disasters. This list will help protect these critical assets from attacks and enable more effective response when disaster strikes.

The bill also requires that risk assessments be completed for each sector of the economy. Recognizing the need to exercise good stewardship of our taxpayers' money, our bill also includes strong protections against waste, fraud, and abuse. By now, we have all heard the disturbing stories of misspent homeland security grants. In fact, when I was chairman of the Homeland Security Committee, we held hearings looking at how homeland security grants have been spent in some States. Along with Senator LIEBERMAN, I asked the GAO to do an investigation into this area, and GAO testified before our committee. At a time when the needs are so great for equipment, for training, and for more preparedness to strengthen our homeland security, it was very disturbing to

hear the GAO testify that money had been wasted.

Let me give you a couple of examples. In the District of Columbia—yes, right here in Washington, DC, surely a high-risk area, an area attacked on 9/11—we found that leather jackets were purchased for the local police using homeland security grant money. In Newark, NJ, homeland security funds were used to purchase air-conditioned garbage trucks. This is totally inexcusable, when we have such great needs for new communications equipment, for training and exercises, and for help for our first responders. We simply cannot afford to have money frittered away. It is outrageous.

Our bill would help to eliminate those abuses. It would strictly prohibit the use of grant funds on items that don't relate to securing our homeland. It requires States to have an approved plan and for funds to be allocated, distributed, and spent according to that plan, and to achieve certain baseline preparedness goals. It requires DHS to set minimum performance standards for agency grants, and it provides for audits to ensure accountability.

I know that last safeguard is near and dear to the Presiding Officer's heart and that she understands, perhaps better than anyone in this body, the importance of regular, thorough, and timely audits.

Madam President, I acknowledge the work of Senator COBURN, and many other members of our committee, to strengthen the provisions of our bill. I offered an amendment to make sure that homeland security funds were not used for social or recreational purposes. In short, I think we have tightened up the safeguards and put new measures in to ensure accountability.

I mentioned earlier that our bill proceeds in the spirit of the 9/11 Commission; its provisions for increased and more effective information sharing, for strengthening the privacy and civil liberties oversight board, and for disclosing the total sums requested, authorized, and appropriated for intelligence programs all testified to that amendment.

There are many provisions of the bill reported by the Homeland Security Committee that will improve our security in other ways. I want to note once again, however, that this bill is not a sudden, new, or unusual manifestation of congressional determination to strengthen our security. The bill before us today continues the work of Congress in taking proper notice of the 9/11 Commission's recommendations. I am proud to be part of the bipartisan deliberations that shaped this bill, and I urge all of my colleagues to support it.

I want to also acknowledge the tireless efforts of the families of the victims of 9/11. They have worked with Senator LIEBERMAN and me every step of the way when we were drafting the Intelligence Reform and Terrorist Prevention Act in 2004. They were our inspiration and they kept us going. They ensured that the bill got through to the President's desk and signed into law. They have continued to work with us on the bill before us today. I want to publicly thank them for their effort. They inspired our work.

Our legislation's broad-front attack on the threats we face will ensure good value for every dollar our Nation spends to improve our defenses at the Federal and State and local levels. It will provide appropriate transparency and accountability into the Government's security decisions, and it will strike an appropriate balance between increased security and our cherished civil liberties. The passage of this bill will benefit every American.

Let me close by saying I am certain this bill will be improved even further as we proceed with the deliberations this week. I do not support every single provision in this bill. But on balance, it is yet another step forward as we seek to protect the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

APPROPRIATIONS COMMITTEE ON RULES OF PROCEDURE

Mr. BYRD. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have the attached rules and subcommittee memberships for the 110th Congress printed in the CONGRESSIONAL RECORD.

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

SUBCOMMITTEES

Senator Byrd, as chairman of the Committee, and Senator Cochran, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Bennett, Cochran, Specter, Bond, McConnell, Craig, Brownback. (8–7)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski, Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Shelby, Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander. (9–8)

DEPARTMENT OF DEFENSE

Senators Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison. (10–9)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici, Cochran, McConnell, Bennett, Craig, Bond, Hutchison, Allard. (9–8)

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin, Murray, Landrieu, Lautenberg, Nelson, Brownback, Bond, Shelby, Allard. (5–4)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd, Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson, Cochran, Gregg, Stevens, Specter, Domenici, Shelby, Craig, Alexander. (9–8)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Craig, Stevens, Cochran, Domenici, Bennett, Gregg, Allard, Alexander. (9–8)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Specter, Cochran, Gregg, Craig, Hutchison, Stevens, Shelby. (8–7)

LEGISLATIVE BRANCH

Senators Landrieu, Durbin, Nelson, Allard, Alexander. (3–2)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Hutchison, Craig, Brownback, Allard, McConnell, Bennett. (7–6)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg, McConnell, Specter, Bennett, Bond, Brownback, Alexander. (8–7)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond, Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, Allard. (11–10)

SENATE APPROPRIATIONS COMMITTEE RULES—110TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of

sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 110th Congress. The committee rules for the 110th Congress are identical to the rules adopted by the committee for the 109th Congress.

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

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the ''Select Committee'') consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2)(A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term ''sworn complaint'' means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as

Members, officers, or employees of the Senate;

(2) the term ''preliminary inquiry'' means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term ''adjudicatory review'' means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e)(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d)(1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e) (1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and

(4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term ''officer or employee of the Senate'' means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART—PUBLIC LAW 93–191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United State Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

SEC. 7342. Receipt and disposition of foreign gifts and decorations.

''(a) For the purpose of this section—

''(1) 'employee' means—

''(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

''(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

''(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

''(D) a member of a uniformed service;

''(E) the President and the Vice President;

''(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

''(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

''(2) 'foreign government' means—

''(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

''(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

''(C) any agent or representative of any such unit or such organization, while acting as such;

''(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

''(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

''(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

''(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

''(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

''(6) 'employing agency' means—

''(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

''(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2),(d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

''(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

''(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

''(b) An employee may not—

''(1) request or otherwise encourage the tender of a gift or decoration; or

''(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

''(c)(1) The Congress consents to—

''(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

''(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

''(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

''(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

''(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

''(A) deposit the gift for disposal with his or her employing agency; or

''(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

''(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

''(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

''(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

''(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

''(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

''(2) Such listings shall include for each tangible gift reported—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance;

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

''(D) the date of acceptance of the gift;

''(E) the estimated value in the United States of the gift at the time of acceptance; and

''(F) disposition or current location of the gift.

''(3) Such listings shall include for each gift of travel or travel expenses—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance; and

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

''(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

''(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

''(2) Each employing agency shall—

''(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

''(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

''(C) take any other actions necessary to carry out the purpose of this section.

''(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

''(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

''(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

''(k) The provisions of this section do not apply to grants and other forms of assistance

to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.''

PART II: SUPPLEMENTARY PROCEDURAL RULES

RULE 1: GENERAL PROCEDURES

(a) OFFICERS.—In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES.—The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS.—

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3) (A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM.—

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS.—Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS.—The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS.—Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION.—An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS.—

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC.—No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF.—

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or

disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES.—Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS.—

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES.—During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of rule XXXIV.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS.—With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) COMPLAINT, ALLEGATION, OR INFORMATION.—Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION.—Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) FORM AND CONTENT OF COMPLAINTS.—A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY.—A ''preliminary inquiry'' is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) BASIS FOR PRELIMINARY INQUIRY.—The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) SCOPE OF PRELIMINARY INQUIRY.—

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) OPPORTUNITY FOR RESPONSE.—A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) STATUS REPORTS.—The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT.—When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION.—As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW.—An ''adjudicatory review'' is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW.—When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its

jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT.—The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING.—The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE.—The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE.—Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION.—

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL.—

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING.—The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS.—The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS.—The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER.—The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) NOTICE OF HEARINGS.—The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER.—The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES.—

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY.—Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES.—The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES.—

(1) NOTICE OF HEARINGS. A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to

all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS.—

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES.—All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL.—Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES.—

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE.—

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES.—The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS.—

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS.—

(1) AUTHORIZATION FOR ISSUANCE.—Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE.—All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA.—The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS.—

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS.—Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES.—Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS.—Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE.—Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed

with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS.—Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW.—Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) PERJURY.—Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS.—The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) EDUCATIONAL MANDATE.—The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT.—

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS.—

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS.—

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS.—

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT.—

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on

Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED.—

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST.—A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT.—

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION.—

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS.—

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS.—Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING.—A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING.—

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS.—The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS.—Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF.—The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS.—The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS.—

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS.—Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS.—The Committee is authorized to grant a waiver under

the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS.—A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING.—The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS.—A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

(a) As used in the applicable resolutions and in these rules and procedures, the term ''officer or employee of the Senate'' means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) COMMITTEE POLICY.—

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF.—

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF.—A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE.—All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY.—Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES.—The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION.—Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with rule XXVI(2) of the Standing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5 (b) to (d) of rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public,

except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—''SUPERVISORS'' DEFINED

Paragraph 12 of rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

HONORING OUR ARMED FORCES

SERGEANT KEITH E. FISCUS

Mr. CARPER. Mr. President, I rise today to reflect on the life and service of Army SGT Keith E. Fiscus. Keith epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Keith reminds each of us just how good we can be.

Keith was born to Pamela and Darrell Fiscus in Glendale, CA, in 1980. His family moved to Townsend, DE, in 1998. He was the second oldest of four children and is survived by an 18-year-old brother, Jordan, and two sisters, Korrie, 16, and Dena, 28. My heart goes out to each of them.

Keith finished his senior year at Glasgow High School in Newark, DE, and graduated in 1998. After his graduation, Keith took a job in the produce department at Genuardi's supermarket in Glasgow, DE, and then worked as a customer service representative for a major credit card company. He enrolled in business classes at Delaware Technical & Community College but soon decided that his interests didn't include sitting behind a desk in an office or classroom.

Inspired by his grandparents' service in the Armed Forces, Keith joined the Army in 2002. After graduating from boot camp, he was assigned to the 1st Battalion, 27th Infantry Regiment, 3rd Brigade, 25th Infantry Division based out of Schofield Barracks in Hawaii. He was deployed to Iraq and served with distinction for the duration of his 14-month tour.

While serving in Iraq, Keith decided to reenlist in the Army. After returning to the States, Keith received training on how to identify and disarm explosives. Keith volunteered to serve a second tour of duty in Iraq and was deployed again in August of 2006. He was scheduled to return home in February of 2007.

On December 2, 2006, Keith was serving as a machine gunner for an explosive ordinance disposal team on their way to clear a suspected roadside bomb near the city of Taji. An improvised explosive device was triggered near the humvee he was riding in, and Sergeant Fiscus was killed instantly.

Contrary to his tough-looking tattoos and love of heavy metal music, Keith was a fun-loving, caring, and sensitive young man. He was described by those that knew him as a hopeless romantic who loved the camaraderie of the Army and spending time with family and friends. He was also an avid golfer and fisherman.

Sergeant Fiscus was also an excellent soldier. He was an expert rifleman who received numerous recognitions during his Army career: Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Combat Infantryman Badge. The Purple Heart and the Bronze Star were awarded posthumously.

I rise today to commemorate Keith, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

SPECIALIST TRAVIS VAUGHN

Mr. GRASSLEY. Mr. President, today I would like to honor SPC Travis Vaughn, who died on February 18, 2007, in a helicopter crash while fighting in Afghanistan. A Cedar Falls, IA, native, Travis served proudly and with distinction during Operation Enduring Freedom.

With bravery and valor, Travis accepted the call to defend America against those who seek to undermine our values, our democracy, and our way of life. In Afghanistan, he and others from the 160th Special Operations Aviation Regiment out of Fort Campbell, KY, served their country in a dangerous part of the world, helping to make the rest of the world a safer place. Sadly, Travis's service to his country cost him his life, forever earning him the gratitude of the American people.

Travis is remembered fondly and will be greatly missed. A longtime friend of Travis recently said of him, ''He was always there to help anybody that he could and do whatever he could to make people happy.'' Still other friends recalled Travis's fondness for adventurous recreational activities. These qualities made Travis well-suited for military service, and certainly we were fortunate to have a man of such drive and ability serving in the U.S. Army.

On behalf of all Iowans and people throughout this country, I offer my heartfelt condolences to Travis Vaughn's friends and family. In particular, my thoughts and prayers go out to his wife Heather, his stepson Taylin, his father Brad, and mother Christine. They should know that the entire Nation stands behind them during this time of mourning. His loss is

indeed tragic, but he will be remembered as a hero and a patriot.

STOLEN VALOR ACT

Mr. CONRAD. Mr. President, I would like to comment today on the Stolen Valor Act of 2005 that was signed into law by President Bush on December 20, 2006. I am extremely proud of authoring the Senate version of this legislation that ultimately became law. The new law that has resulted from the Stolen Valor Act strengthens and expands the protections for our Armed Forces military service awards and decorations.

Since the Stolen Valor Act was signed into law, there have been reports of concerns raised by medal collectors, historians, museums, family members that inherit medals, and persons legitimately possessing, shipping, or selling military service awards and decorations. I would like to make it clear for the RECORD that the intent and effect of my legislation and the resulting law is only to provide the tools law enforcement need to prosecute those fraudulently using military service awards they did not earn through service to our Armed Forces. It does not in any way restrict legitimate possession, use, shipment, or display of these awards and decorations.

Before the law was enacted, my legislation was reviewed by the Senate Judiciary Committee, the House Judiciary Committee, the Department of Justice, and the Congressional Research Service's American Law Division. All concluded that the Stolen Valor legislation does not negatively impact those legitimately in possession of military service awards and decorations.

Although the new law modifies title 18 USC, section 704, it does not impact the legitimate purchase, sale, or possession of medals. The key part of this passage is the phrase, ''except when authorized under regulations made pursuant to law.'' That exception refers to 32 Code of Federal Regulations (CFR), section 507. I believe the concerns raised by collectors and dealers of military medals and memorabilia may stem from lack of familiarity with the CFR and its relationship to statutory law. The CFR is the regulation that implements and administers statutory provisions, in this case, the provisions of 18 USC section 704 as amended by the Stolen Valor Act.

The CFR specifically states in section 507.12(b), ''Mere possession by a person of any of the articles prescribed in Sec. 507.8 of this part is authorized provided that such possession is not used to defraud or misrepresent the identification or status of the individuals concerned.'' According to numerous legal experts consulted on the drafting of the Stolen Valor legislation, ''mere possession'' would include family members who inherit medals, museums, collectors, approved medals dealers, historians, and other persons in possession or selling medals that do not use them for fraudulent purposes. In addition, CFR Sec. 507.8(a) indicates, ''the articles listed in paragraphs (a) (1) through (10) of this section are authorized for manufacture and sale when made in accordance with approved specifications, purchase descriptions or drawings.''

The articles listed as authorized for manufacture and sale in Sec. 507.8(a) include decorations, service medals, ribbons, lapel buttons, and badges with the exception of the Medal of Honor. The CFR allows for the sale of all U.S. medals, except the Medal of Honor, and insignia, provided that an official government manufacturer has made them and that the Institute of Heraldry, IOH, approved those pieces. Thus, the Stolen Valor Act does not in any way stop collectors or dealers from selling or collecting officially made medals and insignia, whether they were made yesterday or 50 years ago.

In closing, I again want to assure those legitimately in possession of selling, displaying, or shipping military service awards that the Stolen Valor Act is only directed at those who fraudulently use military service awards and decorations. I have been to Walter Reed Hospital, Bethesda Naval Hospital, and have awarded numerous awards and decorations to soldiers and veterans. These brave men and women have given so much to ensure our freedoms. I strongly believe protecting the meaning and valor of military service awards is a very important way we can continue to honor their service and sacrifice.

I ask unanimous consent that a memo from the American Law Division at Congressional Research Service supporting this analysis be printed in the RECORD at the conclusion of my remarks.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, September 21, 2006.

To: Hon. Kent Conrad; Attention: Shawn Ferguson.

From: John R. Luckey, Legislative Attorney, American Law Division.

Subject: The Stolen Valor Act of 2005.

This memorandum is furnished in response to your request for a review of the impact of enactment of the Stolen Valor Act of 2005 upon collectors of military service medals who are currently acting in compliance with federal regulations. The Bill would amend the federal criminal code expand the prohibition against wearing, manufacturing, or selling military decorations or medals without legal authorization to prohibit purchasing, soliciting. mailing, shipping, importing, exporting, producing blank certificates of receipt for, advertising, trading, bartering, or exchanging such decorations or medals without authorization. It would prohibit falsely representing oneself as having been awarded any decoration or medal authorized by Congress for the Armed Forces or any of the service medals or badges. The penalties for violations, if the offense involves a distinguished service cross, an Air Force Cross, a Navy Cross, a silver star, or a Purple Heart, would be increased.

The current provision of title 18 states:

''SEC. 704. Military medals or decorations

''(a) IN GENERAL.—Whoever knowingly wears, manufactures, or sells any decoration or medal authorized by Congress for the aimed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.''

The Bill would not affect the exception for acts authorized by regulation. Therefore, it appears accurate to conclude that if the action of the collector was authorized by regulation, the enactment of the Bill would not affect that authorization.

We hope this information is responsive to your request. If we may be of further assistance, please call.

JOHN R. LUCKEY,
Legislative Attorney.

NATIONAL EYE DONOR MONTH

Mr. BROWN. Mr. President, March is National Eye Donor Month, an opportunity to celebrate the gift of sight, to honor past donors and their families, and to raise public awareness regarding the importance of eye donation. We in the Senate can help ensure a sufficient supply of precious corneas by educating the public about the importance of eye donation and encouraging more Americans to become organ donors.

Last year, more than 46,000 Americans had their lives renewed and reinvigorated through the miracle of corneal transplantation. This surgical procedure gives those people who have lost, or are losing, their vision the life-changing gift of restored sight.

For more than 30 years, Teresa Walton, an Ohio resident, lived without depth perception and with the stigma of an altered appearance, because a viral infection stole the vision in her left eye. At the age of 15, while most other children were enjoying high school sports and anxiously awaiting the day they could earn their driver's license, Teresa was unable to recognize when someone approached her from the left, nor could she easily navigate a set of stairs.

Finally, in her forties, Teresa decided it was time for a transplant. Because of the transplant she received in Springfield, OH, the vision in Teresa's left eye was restored. With the return of her depth perception, Teresa can now easily light the candles on her three daughters' birthday cakes. She is no longer self-conscious about the appearance of her left eye. And as a teacher, she can now recognize when one of her students is standing next to her.

Through the tireless efforts of the eye banks located throughout the country, and the coordinated efforts of the Eye Bank Association of America, Teresa Walton and thousands upon thousands of Americans like her have rediscovered the many joys full vision affords.

The power of cornea transplantation is evident in Teresa's story, but it is

only possible if concerned Americans register as an organ donor and, subsequently, inform their family members and loved ones of their intention to donate.

That is why, as National Eye Donation Month approaches, I encourage my colleagues to work with their local eye banks, and the Eye Bank Association of America, to promote eye donation and provide more people, like Teresa Walton, with the miracle cornea transplantation provides. There is no gift more meaningful, or more profoundly important, than the gift of sight.

TRIBUTE TO W. DON NELSON

Mr. NELSON of Nebraska. Mr. President, I rise today to express my best wishes and appreciation to a staff member who is leaving my office after many years of public service.

W. Don Nelson has served with distinction as my State director in Lincoln, NE, since I was elected in 2000, which is no small job in a State that stretches 500 miles.

Although we share the same last name, we do not share a family relationship. We do share a passion for public service. W. Don, as he is known throughout Nebraska, has a long history of bipartisan government service at the highest levels.

Mr. Nelson worked for former Congressman Douglas Bereuter when he was director of the Nebraska State Office of Planning and Programming. He also served as a chief policy adviser for former Nebraska Governors Norbert Tiemann, Jim Exon, and former Wyoming Governor Ed Herschler and was chief of staff for Nebraska Governor Bob Kerrey. Before Don became my State director he was in the private sector serving as managing director for the Nebraska office of a major national securities firm.

To say that W. Don Nelson was an important and vital part of the staff for those of us whom he served is an understatement. His background as a lawyer and investment banker made him invaluable in government service but his abilities stretched far beyond that.

W. Don Nelson is one of the most fiercely loyal and completely trustworthy individuals I have ever had the privilege to know. His intellect and depth of knowledge on virtually any issue is uncanny. He has the courage to confront adversaries at the highest levels and the compassion to help those who are less fortunate. He is a gracious host and gentleman to friends, and a devoted father and husband to a loving family.

W. Don may be retiring but not to a rocking chair. The W. Don Nelson that so many Nebraskans know will never sit back and rest on his laurels. His so-called retirement will be in front of a computer screen and stalking the halls of government buildings visiting with elected and appointed officials from the other side of the desk, as a reporter.

After answering questions from reporters for much of his career, he will be asking the questions. He is crossing over to start his own newspaper, called Prairie Fire, in Lincoln, NE. Its objective is to be the progressive voice of the Great Plains offering thoughtful, bipartisan public discourse about all matters relating to politics and the arts and, I imagine, Don's passion, the environment.

All of us will miss Don, his quirky sense of humor, his vintage neckties, his sports cars, and even his outward display of pride in Cornhusker Country for his alma maters, the University of Florida and Florida State University.

We wish him every success in his new role as editor, publisher, and writer.

ADDITIONAL STATEMENTS

BIG SKY HIGH SCHOOL SCIENCE PROGRAM RECOGNITION

• Mr. BAUCUS. Mr. President, I am honored to speak to you today about the wonderful work being done in a school in my home State—Big Sky High School in Missoula, MT. Big Sky High School is a leader in science education and a wonderful example of how creativity and innovation can prepare students for the 21st century.

To the students, teachers, parents, and administrators at Big Sky High School, I commend you for your dedication and imagination. Big Sky High School should be an example to schools all over the country of what we can do if we make a real commitment to teaching our students the skills necessary to keep America competitive in the global economy.

Big Sky's science programs emphasize real-world applications and collaboration. For example, in the elective ''Advanced Problems in Science,'' students work on research projects and learn how to document their results and present them to the community. Many of these projects are featured in science fairs and other competitions, giving students experience and connecting them to the scientific community.

Science teacher Jim Harkins, who has taught at Big Sky for 24 years, is an example of how a great teacher can inspire students to go into the sciences. Let me tell you about Jim's goals for science class in his own words. ''I try to tell the students that the classroom, text book setting is not real science,'' he said. ''Science is not learned in books while sitting at desks. In this class, Advanced Problems in Science, our goal is to simulate their curiosity in a real-life science setting. This program provides Montana students with competitiveness on national and international levels.''

To see the success of this program, you need to look no further than the students themselves. Big Sky alumnus Jayce Getz was an active participant in these science programs and he was recently honored with one of only 30 mathematical sciences postdoctoral research fellowships from the National Science Foundation. Jayce will begin a professorship at Princeton next fall. Jayce attributes some of his current success to his participation in Big Sky's science program. ''Kids in Missoula, Montana, can and do get involved with important research in the sciences,'' he said. ''The trick is to get started early on.''

Yet at Big Sky, kids do start early. The halls are filled with the future scientific leaders of America. Students study the genetic code of a cyanobacterial strain and test sail designs in wind tunnels by using an innovative interdisciplinary approach.

By nurturing the curiosity and creativity of these students, Big Sky teachers like Jim Harkins ensure America's youth are given the education and tools necessary to succeed in the 21st century. I applaud Jim and his students. They are examples of what makes Montana's school system the best in the Nation.

To Mr. Harkins and students of Big Sky High School, I extend my congratulations.•

RETIREMENT OF RICK SHAPIRO

• Mr. BINGAMAN. Mr. President, today I wish to honor Rick Shapiro, who recently retired as executive director of the Congressional Management Foundation.

I became acquainted with Rick early in my Senate career, when I asked Rick to help me and my staff strengthen the management of my Senate office. That began a very useful relationship with Rick and CMF.

Under his leadership, CMF grew in size, scope, and impact. Rick has made CMF an integral part of the early organization of nearly every new House and Senate office, through CMF's practical publications and its role in new office orientations.

For many offices like mine, Rick used his skills in organizational management to help members and their senior staff improve how they run their offices and serve their constituents. His confidential counsel and evaluation, and that of a strong staff that he recruited and supported, has allowed many Senators and Members of Congress to focus on their jobs as legislators, with the confidence that their offices would be well run.

Rick also used his extensive knowledge of strategic planning to ensure offices have a strategic vision and the means to deliver on that vision. He and his staff have facilitated hundreds of staff retreats, helping House and Senate offices produce ambitious, but realistic, plans for their work.

Rick was the driving force behind CMF's research into cutting edge topics. For example, CMF's research and guidance on the Internet and electronic communications has been the single most important force in bringing many

offices into the 21st century in their use of new technology.

Before joining CMF, Rick worked in the U.S. House of Representatives, first as a staff investigator and later as the staff director of two House committees. He brought his significant knowledge of the workings of the Congress to CMF and it progressed under his leadership.

All of us who know him and have benefited from his work wish him well, and look with interest to his next project.●

REMEMBERING MIKE HALL

● Mr. DOMENICI. Mr. President, I would like to take a moment to pay tribute to the memory of Mike Hall, who sadly passed away this last Friday.

Mike was a longtime sportswriter, editor, and columnist with the Albuquerque Journal. Though he was born in Muskogee, OK, and began his career writing in California, there is no doubt Mike was a great New Mexican. Mike first came to New Mexico in 1983 to serve as sports editor at the Albuquerque Tribune, and in 1988 he joined the staff at the Albuquerque Journal. In his 24 years of reporting in New Mexico, both his readers and those he wrote about came to appreciate and respect Mike for his knowledge and his humor. He will be truly missed by New Mexicans.

I would also like to offer my deepest condolences to Mike's family, his wife Sondra and children Dionne, Jason, Michael, and Kathryn and his six grandchildren.

I ask that an article from the Albuquerque Journal celebrating Mike's life and career be printed in the RECORD.

The material follows.

[From the Albuquerque Journal, Feb. 24, 2007]

JOURNAL EDITOR/WRITER DIES AT 61

VETERAN OF SPORTS DEPARTMENT LIVED IN ABQ. SINCE '83; COVERED BOXING, UNM WOMEN'S HOOPS

(By Lloyd Jojola)

Mike Hall, a veteran New Mexico journalist who was best known as a sports editor, writer and columnist, died early Friday.

Most recently, Hall held the title of associate sports editor at the Albuquerque Journal and covered Lobo women's basketball.

UNM women's basketball coach Don Flanagan said Hall established an ''excellent relationship'' between himself and the players and staff.

''Once he got the position of our beat reporter I knew that it was going to help our program immensely just because of his background, how well he was thought of,'' Flanagan said. ''I thought throughout his time his intention was always very positive With our program, and I appreciated the recognition that he brought to the program.''

Flanagan said Hall did his homework. The coach was often ''amazed'' Hall knew who the staff was recruiting without being told.

Flanagan might not have always liked the stories that were printed, he said, but Hall was still highly regarded.

''I respected him as a reporter and as somebody that would give us honest and fair coverage,'' he said.

Hall joined the Albuquerque Journal staff in 1988.

''Mike Hall was a real pro,'' said Journal Editor Kent Walz. ''He loved what he did, and it showed.

''In nearly 20 years here, Mike was a good colleague and a good friend. We'll, miss him.'' Hall died of pneumonia, his family said. The 61-year-old Albuquerque resident had battled lung cancer in recent years and had recovered.

A memorial service is scheduled for 10 a.m. Feb. 28 at French Mortuary, 10500 Lomas NE.

Hall launched his newspaper career in the San Francisco Bay Area as a sports reporter for the Berkeley Gazette, covering such teams as the Oakland A's and the Oakland Raiders. He then served as sports news editor at the Wichita Eagle-Beacon before leaving in 1979 to become weekend editor and assistant news editor at The Clarion-Ledger in Jackson, Miss., according to past news stories.

Hall was named sports editor at The Albuquerque Tribune in 1983 and also served as the evening newspaper's city editor and as a columnist, before moving to the Albuquerque Journal to become sports editor.

He became a Journal associate sports editor in 1996 and focused his reporting on UNM women's basketball and boxing.

Local boxer Danny Romero said Hall had been writing about him since he was a very young, unknown fighter.

Romero's skills in the ring helped, he said, but Hall's ''the one who made me famous.''

While stories can sometimes generate contentious relationships between reporters and their subjects, Romero said respect was never lost for Hall.

''You didn't always have to have your guard up. As an athlete, you always have to watch out with you guys,'' the fighter said, referring to newspaper reporters. ''With him, you didn't. It was always open arms. He would let you speak your mind and make you sound good.''

Born in Muskogee, Okla., in 1945, Hall was raised in Wichita, Kan., and studied journalism at Wichita State University, said Sondra Hall, his wife.

Hall played a lot of sports in his younger days, including boxing as an amateur, added Kathryn Hall, his daughter.

''He was never very good at it, he always told me, but he liked it,'' she said.

Hall loved the crunch of sports reporting: the road trips, the demanding game-time coverage, the interviews and simply getting the story.

But ultimately, ''he liked to write,'' Kathryn Hall said.

''I always thought he just liked to write (newspaper) articles but it turned out he wrote a lot of stuff,'' she said, referring to journals the family found. ''We were reading a lot of it last night.''

''He just wrote all the time.''

Hall's work., with his easygoing style, was recognized multiple times by his peers.

Among his awards, in 1990 Hall received, along with now Tribune Editor Phill Casaus, the best sports story award from the Albuquerque Press Club for stories on the NCAA's investigation surrounding a UNM track sprinter. The following year, he picked up the top sports writing award from the New Mexico Press Association for stories on athletic spending at UNM. And in 1993, the press association again honored Hall with a first-place award for two sports columns.

''He was humorous and fun-loving,'' Kathryn Hall said, ''and very strong and courageous.'' Hall was preceded in death by his parents, Harold Rea Hall and Jewell Gray. His survivors include his wife of 30 years, Sondra; children, Dionné Mantaoni, Jason Hall, Michael Bolton and Kathryn Hall; and six grandchildren.

Contributions can be made to St. Jude Children's Research Hospital, 501 St. Jude Place, Memphis, Tenn., 38105.●

CONGRATULATING CONSUL SERGIO AGUILERA

● Mr. LUGAR. Mr. President, today I wish to recognize the important service of Consul Sergio Aguilera upon his retirement from the Mexican Foreign Service.

During his leadership of the Mexican Consulate in Indianapolis, my staff and I have enjoyed working closely with Consul Aguilera to strengthen the political, economic, social, and cultural ties between our two nations. By working closely with the Federal, State, and local governments, as well as schools, businesses, and community organizations, Consul Aguilera has ably represented the people of Mexico and served the needs of the Mexican community in the Midwest.

In addition to his official duties, Consul Aguilera has given generously of his time in service to the Indianapolis community through work with the Mexican Scholarship Fund and the Central Indiana Community Foundation. The Indianapolis community will continue to benefit from Consul Aguilera's leadership as he seeks to expand his charitable work in retirement.

I am especially pleased that Consul Aguilera and his wife Lori have chosen to remain in Indianapolis as they pursue new and exciting experiences together.

I appreciate this opportunity to congratulate Consul Aguilera and wish him good health and success upon his retirement.●

TRIBUTE TO MARY BURKS

● Mr. SESSIONS. Mr. President, today I pay tribute to Mary Burks, founder of the Alabama Conservancy, mother of the wilderness movement, and champion of the Sipsey Wilderness in the Bankhead National Forest.

Last week, Mary Burks passed away in Birmingham, at the age of 86.

Her passing is a loss, not just for Alabama or the conservation movement, but for every person who has ever explored and enjoyed Alabama's vast wilderness. She helped protect those natural areas, and, without her, our children might not be as able to enjoy them as they do today.

Her lifelong struggle to protect and conserve sensitive lands provides a record of accomplishment that deserves both recognition and celebration.

John Randolph, author of a book titled The Battle for Alabama Wilderness, described Mary Burks's passion for what she did. Randolph says, ''If one believes in fate, then surely Mary Burks was fated to become the mother of Alabama wilderness preservation. Passionate, tough, and resilient, a lover of all things wild and natural . . .''

Mary Burks did not simply sit and dream. She led a 6-year campaign in the early 1970s to designate the Sipsey Wilderness area in the Bankhead National Forest as wilderness. In doing so, she won the support of the entire Alabama congressional delegation.

That is not always an easy thing to do.

After the campaign, not only was the Sipsey Wilderness created, but the Eastern Wilderness Area System was established when President Gerald Ford signed the Eastern Wilderness Act. It is fair to assume that this success would not have been achieved without Mary Burks' tireless efforts.

Today, Alabama is home to more than 41,000 acres of wilderness, including the Cheaha and Dugger Mountain Wilderness Areas. As you know, hundreds of thousands of acres have now been designated as wilderness in the Eastern United States.

All of these accomplishments have roots in Mary Burks's original push to preserve wilderness in Alabama.

Describing the importance of Mary's efforts and the organization that she founded, the Alabama Conservancy, Floyd Haskell, former U.S. Senator from Colorado, stated ''If not for the Alabama Conservancy, there would be no concept of Eastern Wilderness.''

There is a difference between thinking that things ought to be a certain way, and actually making them so. Too often we are quick to do the former, and slow to do the latter. But the protected resources in my home State and others are larger in size, great in quantity, and more secure in their protection because Mary Burks fought for them all her life. She left a lasting legacy in Alabama that will forever be felt by all who care about wilderness and natural places.●

AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

● Mr. MENENDEZ. Mr. President, I would like to offer my sincere congratulations to the American Hellenic Educational Progressive Association, AHEPA, on their 85th anniversary this year. Since 1922, AHEPA has diligently served the Hellenic community and all Americans through a variety of programs and outreach endeavors.

Initially created to combat discrimination and hate, AHEPA's mission has expanded during its distinguished history. As the largest and oldest American-based, Greek heritage grassroots membership organization, AHEPA works to promote the Greek ideals of philanthropy, education, civic responsibility, and family and individual excellence within the community. Such principles can be appreciated by people of all backgrounds, and I commend AHEPA for inspiring and supporting generations of Americans.

AHEPA's work has touched people from all walks of life. The organization raised funds for U.S. war bonds during World War II, and currently contributes more than $2,000,000 each year to educational, medical, and other philanthropic causes. AHEPA's positive contributions stem from both the organization and the outstanding people involved. Members of AHEPA have served in the U.S. Armed Forces and have held positions in local, State, and Federal Government throughout the years.

As we honor AHEPA's many successes, we also celebrate the contributions of the more than 1 million Greek-Americans in this country, some 61,000 of whom live in my home State of New Jersey. The Hellenic community in America contributes daily to the economic, political and cultural fabric of this Nation, and the United States shares a close relationship with Greece and the Republic of Cyprus. I look forward to working with my colleagues and AHEPA to strengthen America's relationship with our Hellenic friends.

I commend AHEPA's commitment to serving the United States and the Hellenic community. I congratulate them on their 85 years of advocacy, and I look forward to their bright future.●

RECOGNIZING T. DENNY SANFORD

● Mr. THUNE. Mr. President, today I recognize T. Denny Sanford for his generosity recently represented by the gift of $400 million to Sioux Valley Hospitals and Health System. This gift is the second largest donation to any medical institution since 2001 and will help Sioux Valley transform itself into a world-class research institution. In recognition of the donation and in honor of Mr. Sanford, the health care system has been renamed Sanford Health.

Since his birth in St. Paul, MN, in 1935, T. Denny Sanford has reached many outstanding milestones that deserve recognition and praise. After starting work at age 8 in his father's clothing distribution company, he spent most of his teen years selling his father's clothing to retail stores. He later graduated with a degree in psychology from the University of Minnesota and was recruited for a sales and marketing management position with Armstrong Cork Company.

In the 1960s, Mr. Sanford established a manufacturers' representative company and a regional distribution company. Then in 1971, he bought Contech, a specialty chemical company, from Sears & Roebuck and took it public the following year. After selling Contech in the 1980s, he created a venture capital fund to provide financing to young entrepreneurs. Out of the 28 companies he has financed, 18 have become public corporations.

In 1986, Mr. Sanford purchased United National Bank in Sioux Falls, SD. The bank, now named First Premier Bank, has expanded throughout South Dakota and includes Premier Bankcard Inc., which is a national leader in the credit card industry.

Although Mr. Sanford is well-known for his business achievements, he is even more distinguished for his philanthropy. He has donated millions to organizations that are close to his heart and even started the Sanford Foundation for charitable giving. In 2005, he gave over $70.5 million to charitable causes in the United States and ranked 14th on the Chronicle of Philanthropy's list of America's most-generous donors. Additionally, in 2006, he was named to the Business Week Top 50 list of most-generous philanthropists in the United States.

Before his most recent donation, Mr. Sanford had contributed $20 million to Sioux Valley for expansion with South Dakota's medical school and $16 million for Sanford Children's Hospital, which plans to open in 2009. This recent gift of $400 million will be used to achieve four major goals. These goals are to build 5 pediatric clinics around the country, to expand research, to build a health care campus with over 20 separate facilities, and to specialize in a specific line of medical research that will result in a cure.

T. Denny Sanford's generous gift to Sioux Valley will encourage prosperity and growth for South Dakota by generating an estimated 9,200 new jobs, adding approximately $1.2 billion to the economy, drawing patients from around the world, and improving the wellness of our citizens. This donation will reach people from across the country and make South Dakota a leader and magnet in medical research.

T. Denny Sanford is a giving man with a passion for making a difference in the lives around him. He is even known to have a goal to ''die broke.'' Because of his profound generosity and desire to help others, T. Denny Sanford's influence will be evident for many generations to come.

On behalf of the State of South Dakota, I am honored to rise and say: Thank you, Denny. Your significant gift will have a lasting influence not only on the people of South Dakota but on people throughout the world that will be affected by your selfless generosity.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–758. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to authorize construction of a classical Chinese Garden on the grounds of the National Arboretum; to the Committee on Agriculture, Nutrition, and Forestry.

EC–759. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to its 2007 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–760. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision to conduct a public-private competition including ocean terminal operations and maintenance services in Norfolk, Virginia; to the Committee on Armed Services.

EC–761. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision to conduct a public-private competition including administrative support services; to the Committee on Armed Services.

EC–762. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Emergency Acquisitions'' (DFARS Case 2006–D036) received on February 22, 2007; to the Committee on Armed Services.

EC–763. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Notification Requirements for Critical Safety Items'' (DFARS Case 2004–D008) received on February 22, 2007; to the Committee on Armed Services.

EC–764. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Berry Amendment Restrictions—Clothing Materials and Components Covered'' (DFARS Case 2006–D031) received on February 22, 2007; to the Committee on Armed Services.

EC–765. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Kenya; to the Committee on Banking, Housing, and Urban Affairs.

EC–766. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC–767. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–768. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the undermining of democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–769. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's 2007 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–770. A communication from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Management Official Interlocks'' (RIN3064–AD13) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–771. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Global Terrorism Sanctions Regulations'' (31 CFR Part 594) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–772. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 1461) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–773. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to the Export Administration Regulations and to the Defense Priorities and Allocations System Regulation'' (RIN0694–AD88) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–774. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''North Korea: Imposition of New Foreign Policy Controls'' (RIN0694–AD97) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–775. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 2783) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–776. A communication from the Office Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Export and Import of Nuclear Materials; Exports to Libya Restricted'' (RIN3150–AI02) received on February 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–777. A communication from the Chief Operating Officer and President, Resolution Funding Corporation, transmitting, pursuant to law, a report relative to the Corporation's system of internal controls and the 2006 Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–778. A communication from the Chief Operating Officer and President, Financing Corporation, transmitting, pursuant to law, a report relative to the Corporation's system of internal controls and the 2006 Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–779. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security , transmitting, pursuant to law, a report relative to a contract entered into with a private security screening company to provide screening services; to the Committee on Commerce, Science, and Transportation.

EC–780. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 A and B Season Allowances of Pollock in Statistical Area 620 in the Gulf of Alaska'' (ID No. 010807A) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–781. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 Aleutian Islands Atka Mackerel Total Allowable Catch Amounts'' (ID No. 010807B) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–782. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543'' (ID No. 011107A) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–783. A communication from the Director, Office of Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–784. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (ID No. 011107F) received on February 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–785. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's biennial report relative to the regulatory status of certain open safety recommendations; to the Committee on Commerce, Science, and Transportation.

EC–786. A communication from the Director, National Park Service, Department of the Interior, transmitting, pursuant to law, the Service's report relative to Preservation Technology and Training for fiscal year 2005; to the Committee on Energy and Natural Resources.

EC–787. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Performance Profiles of Major Energy Producers 2005''; to the Committee on Energy and Natural Resources.

EC–788. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Designating the Western Great Lakes Population of Gray Wolves as a Distinct Population Segment; Removing the Western Great Lakes Distinct Population Segment of the Gray Wolf From the List of Endangered and Threatened Wildlife'' (RIN1018–AU54) received on February 16, 2007; to the Committee on Environment and Public Works.

EC–789. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife

and Plants; Withdrawal of Proposed Rule to List Lepidium Papilliferum (Slickspot Peppergrass)'' (RIN1018–AU99) received on February 16, 2007; to the Committee on Environment and Public Works.

EC–790. 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 Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for North Dakota'' (FRL No. 8274–6) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–791. 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 Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference'' (FRL No. 8273–7) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–792. 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 ''Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8281–3) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–793. 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 ''Halosulfuron-methyl; Pesticide Tolerance'' (FRL No. 8113–8) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–794. 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 ''Orthosulfamuron; Pesticide Tolerance'' (FRL No. 8113–4) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–795. 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 ''Sethoxydim; Pesticide Tolerance'' (FRL No. 8115–8) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–796. 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 ''State Operating Permit Programs; West Virginia; Amendment to the Definitions of a 'Major Source' and 'Volatile Organic Compound'" (FRL No. 8280–8) received on February 23, 2007; to the Committee on Environment and Public Works.

EC–797. A communication from the Chairman, Board of Director, Tennessee Valley Authority, transmitting, pursuant to law, a report relative to the Board's conflict-of-interest policy; to the Committee on Environment and Public Works.

EC–798. A communication from the Secretary of Transportation, transmitting, a bill entitled ''The Next Generation Air Transportation System Financing Reform Act of 2007''; to the Committee on Finance.

EC–799. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Tax Treatment of Cross Licensing Arrangements'' (Rev. Proc. 2007–23) received on February 16, 2007; to the Committee on Finance.

EC–800. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—December 2006'' (Rev. Rul. 2007–11) received on February 16, 2007; to the Committee on Finance.

EC–801. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Obsoleting Income Rulings'' (Rev. Rul. 2007–14) received on February 22, 2007; to the Committee on Finance.

EC–802. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the number of projects that will be conducted under the Medicare Hospital Gainsharing Demonstration; to the Committee on Finance.

EC–803. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an addition to the Certification to the Congress; to the Committee on Finance.

EC–804. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Study on Donor Advised Funds and Supporting Organizations'' (Notice 2007–21) received on February 16, 2007; to the Committee on Finance.

EC–805. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Electronic Payment Option for User Fee Charges for Form 8802'' (Rev. Proc. 2007–22) received on February 16, 2007; to the Committee on Finance.

EC–806. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 181—Deduction for Qualified Film and Television Production Costs'' ((RIN1545–BF95)(TD 9312)) received on February 16, 2007; to the Committee on Finance.

EC–807. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement: Compliance Resolution Program for Employees Other Than Corporate Insiders for Additional 2006 Taxes Arising Under Section 409A Due to the Exercise of Stock Rights'' (Announcement 2007–18) received on February 16, 2007; to the Committee on Finance.

EC–808. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Payroll Taxes on Deferred Compensation'' (Rev. Rul. 2007–12) received on February 16, 2007; to the Committee on Finance.

EC–809. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: 2007 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2007–10) received on February 16, 2007; to the Committee on Finance.

EC–810. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—March 2007'' (Rev. Rul. 2007–15) received on February 21, 2007; to the Committee on Finance.

EC–811. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''LMSB Tier II Issue—Field Directive on the Examination of IRC Section 172(f) Specified Liability Losses #1—Industry Directive'' (LMSB–04–02070–009) received on February 21, 2007; to the Committee on Finance.

EC–812. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Investor Control and General Public'' (Rev. Rul. 2007–13) received on February 21, 2007; to the Committee on Finance.

EC–813. A communication from the Chairman, Broadcasting Board of Governors, transmitting, proposed legislation to authorize appropriations for the Board for fiscal years 2008 and 2009; to the Committee on Foreign Relations.

EC–814. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Alternative Fuel Vehicle program report for fiscal year 2006; to the Committee on Foreign Relations.

EC–815. A communication from the Chief Operating Officer, U.S. Agency for International Development, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency; to the Committee on Foreign Relations.

EC–816. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a quarterly report relative to the obligations and outlays of fiscal year 2004, 2005, and 2006 funds; to the Committee on Foreign Relations.

EC–817. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–818. A communication from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rule Relating to Amendments to Safe Harbor for Distributions from Terminated Individual Account Plans and Termination of Abandoned Individual Account Plans to Require Inherited Individual Retirement Plans for Missing Nonspouse Beneficiaries'' (RIN1210–AB16) received on February 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–819. A commmunication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, the Ombudsman's Annual Report for 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–820. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–821. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Mortality Assumptions'' (RIN1212–AB08) received on February 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–822. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled ''Food Labeling: Nutrient Content Claims, Expansion of the Nutrient Content Claim 'Lean' '' ((RIN0910–ZA27)(Docket No. 2004P–0183)) received on February 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–823. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interesting Assumptions for Valuing and Paying Benefits'' (Docket No. 2006N–0335) received on February 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–824. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to preventing loss of life due to extreme indoor temperatures; to the Committee on Health, Education, Labor, and Pensions.

EC–825. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's annual report on the administration of the Government in the Sunshine Act for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–826. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report relative to its compliance with the Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–827. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, (6) reports relative to vacancy announcements within the Department, received on February 22, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–828. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–829. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Board's annual report relative to its compliance with the Sunshine Act for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–830. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–831. A communication from the Deputy Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–832. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the Organization's competitive sourcing efforts during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–833. A communication from the President and CEO, Inter-American Foundation, transmitting, pursuant to law, a report relative to the Organization's competitive sourcing efforts during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–834. A communication from the Controller, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, two reports relative to federal financial management; to the Committee on Homeland Security and Governmental Affairs.

EC–835. A communication from the Archivist of the United States, transmitting, pursuant to law, an annual report on category rating for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–836. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of action on a nomination for the position of Director of National Intelligence, received on February 22, 2007; to the Select Committee on Intelligence.

EC–837. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Applicability of the Sex Offender Registration and Notification Act'' (RIN1105–AB22) received on February 16, 2007; to the Committee on the Judiciary.

EC–838. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Alabama Advisory Committee; to the Committee on the Judiciary.

EC–839. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Mississippi Advisory Committee; to the Committee on the Judiciary.

EC–840. A communication from the Clerk of Court, United States Court of Federal Claims, transmitting, pursuant to law, the Court's Annual Report for the year ended September 30, 2006; to the Committee on the Judiciary.

EC–841. A communication from the Regulatory Management Specialist, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Consular Notification for Aliens Detained Prior to an Order of Removal'' (RIN1653–AA53) received on February 22, 2007; to the Committee on the Judiciary.

EC–842. A communication from the Under Secretary and Director, United States Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement Priority Document Exchange Between Intellectual Property Offices'' (RIN0651–AB75) received on February 22, 2007; to the Committee on the Judiciary.

EC–843. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Office's Performance and Accountability Report for fiscal year 2006; to the Committee on Rules and Administration.

EC–844. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, a report entitled ''Great Leaders/Great Solutions''; to the Committee on Rules and Administration.

EC–845. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Home Schooling and Educational Institution'' (RIN2900–AM37) received on February 16, 2007; to the Committee on Veterans' Affairs.

EC–846. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Priority for Partial Grants to States for Construction or Acquisition of State Home Facilities'' (RIN2900–AM42) received on February 16, 2007; to the Committee on Veterans' Affairs.

EC–847. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a standard competition of the Communications Operations and Maintenance function at Scott Air Force Base, Illinois; to the Committee on Armed Services.

EC–848. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting, pursuant to law, a report relative to the Army National Guard and Army Reserve; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 316. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning with Brigadier General Shelby G. Bryant and ending with Colonel Paul G. Worcester, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 2007. (minus 2 nominees: Brigadier General Michael D. Dubie; Colonel Travis D. Balch)

Army nomination of Maj. Gen. Benjamin C. Freakley, 0002, to be Lieutenant General.

Marine Corps nominations beginning with Colonel David H. Berger and ending with Colonel Robert R. Ruark, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2007.

Marine Corps nomination of Col. Tracy L. Garrett, 7668, to be Brigadier General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Gino L. Auteri and ending with Jesus E. Zarate, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Brian E. Bergeron and ending with Lolo Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Brian D. Affleck and ending with Lorna A. Westfall, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with William R. Baez and ending with Michael D. Webb, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Kent D. Abbott and ending with An Zhu, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Anthony J. Pacenta and ending with Charles J. Malone, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Tansel Acar and ending with David A. Zimliki, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Brian G. Accola and ending with David H. Zonies, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Air Force nominations beginning with Jeffrey M. Klosky and ending with Robert W. Ross III, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Army nomination of Todd A. Plimpton, 7389, to be Colonel.

Army nominations beginning with Perry L. Hagaman and ending with William A. Hall, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with David W. Admire and ending with D060341, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with James A. Adamec and ending with Vanessa Worsham, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with Dennis R. Bell and ending with Kent J. Vince, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nominations beginning with Ronald J. Aquino and ending with D060343, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2007.

Army nomination of Miyako N. Schanely, 5496, to be Colonel.

Army nominations beginning with Anthony C. Adolph and ending with Kaiesha N. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Army nominations beginning with Andrew W. Aquino and ending with Paul J. Willis, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Army nomination of Susan M. Osovitzoien, 4744, to be Lieutenant Colonel.

Army nomination of Tom K. Staton, 7158, to be Major.

Army nomination of Evan F. Tillman, 1630, to be Major.

Army nominations beginning with Michael A. Clark and ending with Janet L. Norman, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Army nominations beginning with Edward W. Trudo and ending with Ming Jiang, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Donald E. Evans, Jr. and ending with Elliott J. Rowe, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nomination of Jorge L. Medina, 8975, to be Lieutenant Colonel.

Marine Corps nominations beginning with Douglas M. Finn and ending with Ronald P. Heflin, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Charles E. Brown and ending with David S. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Steven P. Couture and ending with Jesse Mcrae, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Jonathan G. Allen and ending with John W. Wiggins, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Marine Corps nominations beginning with Charles E. Daniels and ending with Timothy O. Evans, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nomination of Brian T. Thompson, 6676, to be Major.

Marine Corps nomination of Michael R. Cirillo, 7216, to be Major.

Marine Corps nominations beginning with Vernon L. Dariso and ending with Richard W. Fiorvanti, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Leonard R. Domitrovits and ending with Robert W. Sajewski, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Samson P. Avenetti and ending with Francisco C. Ragsac, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Jason B. Davis and ending with Peter M. Tavares, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Darren L. Ducoing and ending with Kenneth L. Vanzandt, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Marine Corps nominations beginning with Robert T. Charlton and ending with Brian A. Tobler, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2007.

Navy nomination of Mark A. Gladue, 5228, to be Commander.

Navy nomination of Terry L. Rucker, 0803, to be Captain.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 687. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mr. GRAHAM:

S. 688. A bill for the relief of Griselda Lopez Negrete; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mrs. LINCOLN):

S. 689. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

By Ms. LANDRIEU:

S. 690. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business and Entrepreneurship.

By Mr. CONRAD:

S. 691. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 692. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Veterans Affairs hospitals; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 693. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. SUNUNU, Mr. REED, Mr. KERRY, Mr. DURBIN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. LAUTENBERG):

S. 694. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. 695. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. 696. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 697. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. HAGEL, and Mr. WARNER):

S. 698. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. BROWN, Mr. KERRY, and Mr. AKAKA):

S. Res. 86. A resolution designating March 1, 2007, as ''Siblings Connection Day''; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mrs. CLINTON, Mr. BROWNBACK, and Mrs. FEINSTEIN):

S. Res. 87. A resolution expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 23

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 23, a bill to promote renewable fuel and energy security of the United States, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 242

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 316

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 329

At the request of Mr. CRAPO, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 394

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. BENNETT) 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. 433

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 433, a bill to state United States policy for Iraq, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 547

At the request of Mr. VOINOVICH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 547, a bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 561

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 562

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 562, a bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes.

S. 575

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 575, a bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes.

S. 583

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 583, a bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 601

At the request of Mr. COBURN, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Vermont (Mr. SANDERS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 634

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 655

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 655, a bill to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the

ability of the board of governors of The American National Red Cross to support the critical mission of The American Red Cross in the 21st century, and for other purposes.

S. 684

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 684, a bill to clarify the authority of the Secretary of the Interior with respect to the management of the elk population located in the Theodore Roosevelt National Park.

S. RES. 33

At the request of Mr. LUGAR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 33, a resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

S. RES. 84

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 84, a resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 687. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Commercial Fishermen Safety Act of 2007, a bill to help fishermen purchase the life-saving safety equipment they need to survive when disaster strikes. I am pleased to be joined by my colleague from Massachusetts, Senator Kennedy, in introducing this legislation.

Everyday, members of our fishing communities struggle to cope with the pressures of running a small business, complying with burdensome regulations, and maintaining their vessels and equipment. Added to these challenges are the dangers associated with fishing.

Year-in and year-out, commercial fishing ranks among the Nation's most dangerous occupations. Last August, when the Bureau of Labor Statistics released the most recent National Census of Fatal Occupational Injuries, fishing was the most dangerous occupation. While the national rate of occupational-related fatalities dropped by 1 percent in 2005, I am saddened to say that the fishing community saw an increase of almost 14 percent from the previous year. I have introducd similar measures in previous sessions of Congress, but these tragic statistics illustrate why this piece of legislation is absolutely needed right now.

And as we know, these statistics have a very real face to them. And sadly, the New England fishing community is certainly no stranger to the pain and loss of their own.

Last November, the small fishing community of Port Clyde saw the tragic loss of one their own. The Taylor Emily, a 48–foot fishing boat, capsized and sank about 80 miles east of Portland, ME. Tragically, long-time fisherman Jim Weaver perished in this incident. Another fisherman aboard the boat, Christopher Yattaw, was saved when the Taylor Emily sank. Chris treaded the frigid waters for almost an hour, but finally, the boat's life raft inflated. Almost 8 hours later, Chris was rescued from the life raft by a passing fishing vessel. This incident could have been even more tragic if the critical live-saving equipment had not been aboard.

Coast Guard regulations require all fishing vessels to carry safety equipment. The requirements vary depending on factors such as the size of the vessel, the temperature of the water, and the distance the vessel travels from shore to fish. Required equipment can include a life raft that automatically inflates and floats free, should the vessel sink. This is what saved Christopher Yattaw's life. Other live-saving equipment includes: personal flotation devices or immersion suits which help protect fishermen from exposure and increase buoyancy; EPIRBs, which relay a downed vessel's position to Coast Guard Search and Rescue Personnel; visual distress signals; and fire extinguishers. When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining this equipment must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance.

The Commercial Fishermen Safety Act of 2007 provides a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1,500. Items such as EPIRBs and immersion suits cost hundreds of dollars, while life rafts can reach into the thousands. The tax credit will make life-saving equipment more affordable for more fishermen, who currently face limited options under the Federal tax code.

We have seen far too many tragedies in this occupation. Please, let us support fishermen who are trying to prepare in case disaster strikes. Safety equipment saves lives. By providing a tax credit for the purchase of safety equipment, Congress can help ensure that fishermen have a better chance of returning home each and every time they head out to sea.

I ask unanimous consent that the text of the bill be put in the RECORD.

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

S. 687

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 ''Commercial Fishermen Safety Act of 2007''.

SEC. 2. CREDIT FOR PURCHASE OF FISHING SAFETY EQUIPMENT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45O. FISHING SAFETY EQUIPMENT CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible taxpayer, the fishing safety equipment credit determined under this section for the taxable year is 75 percent of the amount of qualified fishing safety equipment expenses paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATION ON MAXIMUM CREDIT.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed $1,500.

''(c) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means a taxpayer engaged in a fishing business.

''(d) DEFINITIONS.—For purposes of this section—

''(1) FISHING BUSINESS.—The term 'fishing business' means the conduct of commercial fishing as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

''(2) QUALIFIED FISHING SAFETY EQUIPMENT EXPENSES.—

''(A) IN GENERAL.—The term 'qualified fishing safety equipment expenses' means an amount paid or incurred for fishing safety equipment for use by the taxpayer in connection with a fishing business.

''(B) FISHING SAFETY EQUIPMENT.—The term 'fishing safety equipment' means—

''(i) lifesaving equipment required to be carried by a vessel under section 4502 of title 46, United States Code, and

''(ii) any maintenance of such equipment required under such section.

''(e) SPECIAL RULES.—

''(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.

''(2) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as one person for purposes of subsection (a).

''(f) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter (other than a credit under this section) for any amount taken into account in determining the credit under this section.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to any equipment, the basis of such equipment shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the fishing safety equipment credit determined under section 45O(a).''.

(2) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the

end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) in the case of equipment with respect to which a credit was allowed under section 45O, to the extent provided in section 45O(g).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45O. Fishing safety equipment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. LUGAR (for himself and Mrs. LINCOLN):

S. 689. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

Mr. LUGAR. Mr. President, on behalf of myself and Senator LINCOLN, I rise today to introduce the ''Good Samaritan Hunger Relief Tax Incentive Extension Act of 2007''. This important legislation extends and expands the food bank donation provisions that were included in the Pension Protection Act of 2006 (Public Law 109–280). The Pension Protection Act allows farmers and small business owners to receive a tax deduction for donation of food products contributed to food banks, pantries and homeless shelters for 2006 and 2007.

The new law permits businesses a deduction from their taxes for a donation equal to either (1) twice cost basis; or (2) the difference of cost basis plus one half the difference between cost basis and fair market value. Food donations of all sizes from all businesses can qualify for this type of donation. The bill that I am introducing today increases the valuation to full market value of the donation and makes this provision a permanent part of the Internal Revenue Code.

Demand on food banks has been rising, and these tax deductions would be an important step in increasing private donations to the non-profit hunger relief charities playing a critical role in meeting America's nutrition needs. It is estimated that food banks provide meals to more than 23 million Americans and that 13 million children are hungry or at risk of hunger.

As I have traveled around Indiana, I have visited many food banks in our State. They have confirmed the results of a study by the U.S. Conference of Mayors that showed demand for food at food banks has risen one hundred percent. Forty-eight percent of the people requesting emergency food assistance are either children or their parents. The number of elderly persons requesting food assistance has increased by ninety-two percent. The success of welfare reform legislation has moved many recipients off welfare and into jobs. In many States, welfare roles have been reduced by more than half. But we need to recognize that these individuals and their families are living on modest wages. As unemployment rates have risen, as with the fluctuation of the price of gas and heating oil, the demand placed on the food banks and soup kitchens has also increased.

Private food banks provide a key safety net against hunger. According to a report by the U.S. Department of Agriculture, 31 million Americans are living on the edge of hunger. USDA statistics show that up to 96 billion pounds of food go to waste each year in the United States. If a small percentage of this wasted food could be redirected to food banks, we could make important strides in our fight against hunger.

I have been especially impressed by the remarkable work of food banks in Indiana. In many cases, they are partnered with churches and faith-based organizations and are making a tremendous difference in our communities. We should support this private sector activity, which not only feeds people, but also strengthens community bonds and demonstrates the power of faith, charity, and civic involvement.

Each citizen can make an important contribution to the fight against hunger at a local level. It is important to make sure that none of us forget those who find themselves having to utilize the services of the food banks. In order to ensure that hunger relief organizations are meeting the greater demand they are seeing, we must make food drives a part of everyday activities. People should get in the habit of buying extra cans or boxes of food on every trip to the grocery store, not just around the holiday season.

I am committed to work with Chairman BAUCUS and Ranking Member GRASSLEY to find an offset to pay for this change to the tax code. I would like to thank them for their past support of this initiative and commend them on their efforts in helping America's charities meet their funding goals, and assist those individuals who take advantage of the services provided by these groups.

I believe the enactment of this legislation would be a great incentive in redirecting this food from being discarded to being distributed to hungry families.

By Ms. LANDRIEU:

S. 690. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to highlight the ongoing needs of our small businesses and homeowners in the gulf coast who were devastated by Hurricanes Katrina and Rita. In Louisiana alone, these disasters claimed 1,464 lives, destroyed more than 200,000 homes and 18,000 businesses and inflicted $25 billion in uninsured losses. Many of my colleagues here in the Senate have been down to Louisiana and have seen firsthand the size and scope of the destruction. The Congress has been very generous in providing billions of Federal recovery dollars as well as valuable Gulf Opportunity, GO, Zone tax incentives to help spur recovery in the region. These resources will be key in the recovery of the region but there are additional needs on the ground that still must be addressed. That is why I am proud to introduce a bill today, the Catastrophic Disaster Recovery Improvements Act of 2007, which I believe, addresses a specific problem which is impacting homeowners throughout the gulf coast.

Katrina was the most destructive hurricane ever to hit the United States. The next month, in September, Hurricane Rita hit the Louisiana and Texas coast. It was the second most powerful hurricane ever to hit the United States, wreaking havoc on the southwestern part of my State and the east Texas coast. This one-two punch devastated Louisiana lives, communities and jobs, stretching from Cameron Parish in the west to Plaquemines Parish in the east.

We are now rebuilding our State and the wide variety of communities that were devastated by Rita and Katrina, areas representing a diverse mix of population, income and cultures. We hope to restore the region's uniqueness and its greatness. To do that, we need to rebuild our local economies now and far into the future. We cannot succeed, however, if our homeowners are being buried under Federal red tape and regulations.

The people who work for the Small Business Administration and FEMA are dedicated and interested to help in the recovery of our region. However, these individuals are operating under a system which is inadequate and, in some cases, unresponsive to needs on the ground.

I come to the floor today to introduce a bill which provides a commonsense solution to get the Federal assistance to our struggling homeowners. If we don't help them now, building a strong gulf coast will be all the more difficult if residents cannot rebuild their homes and businesses cannot open their doors.

For homeowners in Louisiana, the State is doing its part by setting up the Louisiana Road Home program, to provide homeowners with up to $150,000 in grant proceeds for uninsured losses on their properties. This program is State-administered, but supplemental CDBG-funded. However, many applicants are concerned because under the Stafford and Small Business Acts, the SBA is required to ensure there are no ''duplication of benefits'' provided to disaster victims. This means that SBA must review every file which received an SBA Disaster Loan, and if there is deemed to be duplication, deduct the

duplication amount from the grant proceeds. As I said, I want the SBA to ensure taxpayers funds are used wisely, but at the same time, I want to ensure that all residents are able to get the funds they need to rebuild their homes.

Under the current scenario, some residents who have additional uninsured losses, are being required to still pay back these grant proceeds. This is because many SBA loss inspections were done right after the storms in 2005, but since then building/labor costs have increased dramatically, and this is not reflected in the SBA verified loss. Borrowers are able to request a loan modification from SBA, but many residents who waited months and months for SBA to respond are wary to go through the process again, especially if there is a prospect they will be declined for the increased loan amount. I can't blame them because there is enough uncertainty down there right now. Personally, I would also be hesitant to go through the SBA loan process again if I had to fill out as much paperwork as my constituents have had to fill out, and to receive constant requests for more information once they think they are done with submitting information.

For this reason, this bill provides the SBA administrator the flexibility to waive, partially or fully at the discretion of the administrator, this ''duplication of benefits'' rule. This provides borrowers with additional funds for rebuilding while retaining the Federal Government's financial responsibility to taxpayers. I believe this commonsense fix for major disasters corrects a major problem occurring in Louisiana right now and gives SBA some flexibility for future major disasters. The current SBA interpretation of these regulations overlooks the fact that a grant, with no repayment, has a different value to homeowners than loans, which require repayment. In effect, disaster victims are being penalized for getting an SBA loan before they received their Road Home grant and that is not how the Federal Government should respond to victims, who in many cases, lost everything. We should not allow victims to ''double-dip'' or benefit from the disaster, but the Federal Government should be responsive to needs on the ground and adjust as necessary to allow disaster victims to fully recover.

In introducing this bill today, I am hopeful it sends the signal to gulf coast residents that Congress has not forgotten about them and that we are doing our part to reduce red tape and bureaucracy. Congress did a great deal during the 109th Congress to help victims of the 2005 storms, but that does not mean we should just write off recurring problems to the responsibility of States or disaster victims themselves. I believe that both the leadership on the Senate Committee on Small Business and Entrepreneurship as well as the new SBA administrator, Steve Preston, are receptive to addressing ongoing needs in the gulf coast. I look forward to working closely with them in the coming weeks to provide substantive and lasting solutions for our small businesses and homeowners.

I urge my colleagues to support this important legislation and ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 690

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 ''Catastrophic Disaster Recovery Improvements Act of 2007''.

SEC. 2. WAIVER OF PROHIBITION ON DUPLICATION OF CERTAIN BENEFITS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) WAIVER OF PROHIBITION ON DUPLICATION OF CERTAIN BENEFITS.—For any major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), in providing assistance under paragraph (1) or (2), the Administrator may waive, in whole or in part, the prohibition on the duplication of benefits, including whether damage or destruction has been compensated for by, credit is available from, activities are reimbursable through, or funds have been made available from any other source.''.

(b) APPLICABILITY AND RETROACTIVITY FOR VICTIMS OF HURRICANES KATRINA, RITA, AND WILMA.—The amendment made by this section shall apply to any assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) provided on or after August 29, 2005.

By Mr. CONRAD:

S. 691. A bill to amend title XVIII of the Social Security act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am pleased to introduce the Kidney Care Quality and Education Act. For the over 400,000 Americans living with kidney disease, the time has come to modernize and improve the Medicare End Stage Renal Disease (ESRD) program. They simply can't wait any longer.

When Congress enacted the Medicare ESRD program, we recognized that this disease was unique and deserved special consideration. Unfortunately, since that time, Congress has fallen behind in its commitment, and the program has not kept pace with changes in treatment. My bill would take needed steps to modernize and improve the program to recognize quality and encourage education on kidney disease to better prevent and control ESRD.

The Kidney Care Quality and Education Act establishes education programs to assist patients with kidney disease to learn important self-management skills that will help them manage their disease more effectively and improve their quality of life. The bill also seeks to help individuals before they develop irreversible kidney failure by teaching individuals about the factors that lead to chronic kidney disease, the precursor to kidney failure, and how to prevent it, treat it, and, most importantly, avoid it. Additionally, the bill seeks to establish uniform training requirements for dialysis technicians and to identify barriers to accessing the home dialysis benefit.

Improving the ESRD program payment system and ensuring continued high quality care is also a critical component of modernizing the ESRD program. Medicare established the first prospective payment system (PPS) in the ESRD program in the early 1980s. Yet, the ESRD program remains the only Medicare PPS that does not receive an annual update. As a result, dialysis facilities have experienced difficulties in hiring qualified health care professionals and purchasing new technology.

It is time for the dialysis community to receive annual payment updates; however, it is also critically important that increased payments are tied to high quality. My bill addresses both of these issues by creating a three-year Continuous Quality Improvement Initiative to link payments with quality. First, the three-year initiative would create an annual update mechanism to fairly pay providers. Second, it would ask providers to report on quality measures developed through consultation with key stakeholders. Finally, it would withhold a certain percentage of the annual update to fund a quality bonus pool from which payments would be made to those providers who provide the best quality of care.

Congress must reaffirm its commitment to Americans with kidney failure by improving the program through new educational programs, quality initiatives, and payment reform. The Kidney Care Quality and Education Act is a comprehensive bill that moves the program in that direction. I urge my colleagues to join with me in supporting this important legislation.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 693. A bill to amend the Public health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am pleased to be joined by the Senator from Maine, Ms. COLLINS, in introducing the reauthorization of the Automated Defibrillators in Adam's Memory Act, or the ADAM Act. This bill is modeled after the successful Project ADAM that originally began in Wisconsin, and will reauthorize a program to establish a national clearing house to provide schools with the ''how-to'' and technical advice to set up a public access defibrillation program.

Sudden cardiac death from coronary heart disease occurs over 900 times per

day in the United States. By improving access to automated external defibrillators, or AEDs, we can improve the survival rates of cardiac arrest in our communities.

In my home State of Wisconsin, as in many other States, heart disease is the number one killer. In 2004, 35.4 percent of all deaths in Wisconsin were caused by heart disease and stroke. Overall, heart disease kills more Americans than AIDS, cancer and accidents combined.

Cardiac arrest can strike anyone. Cardiac victims are in a race against time, and unfortunately, for too many of those in rural areas, Emergency Medical Services are unable to reach people in need, and time runs out. It's simply not possible to have EMS units next to every farm and small town across the Nation.

Fortunately, recent technological advances have made the newest generation of AEDs inexpensive and simple to operate. Because of these advancements in AED technology, it is now practical to train and equip police officers, teachers, and members of other community organizations.

An estimated 164,600 Americans experience out-of-hospital sudden cardiac arrests each year. Immediate CPR and early defibrillation using an AED can more than double a victim's chance of survival. By taking some relatively simple steps, we can give victims of cardiac arrest a better chance of survival.

Over the past 6 years, I have worked with Senator SUSAN COLLINS, a Republican from Maine, on a number of initiatives to empower communities to improve cardiac arrest survival rates. We have pushed Congress to support rural first responders—local police and fire and rescue services—in their efforts to provide early defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices program allows community partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. I'm pleased to say that grants have already put defibrillators in rural communities in 49 States, helping those communities be better prepared when cardiac arrest strikes.

Approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital. Every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only 8 minutes, the victim's survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly sad. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. In fact, we have seen a number of examples in Wisconsin where early CPR and access to defibrillation have saved lives.

Seventy miles away from Milwaukee, a 14-year-old boy collapsed while playing basketball. Within 3 minutes, the emergency team arrived and began CPR. Within 5 minutes of his collapse, the paramedics used an AED to jump start his heart. Not only has this young man survived, doctors have identified his father and brother as having the same heart condition and have begun preventative treatments.

These stories help to underscore some important issues. First, although cardiac arrest is most common among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives. Third, some individuals who are at risk for sudden cardiac arrest can be identified to prevent cardiac arrest.

After Adam Lemel suffered his cardiac arrest, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths and save lives.

Today, Project ADAM has introduced AEDs into several Wisconsin schools, and has been a model for programs in Washington, Florida, Michigan and elsewhere. Project ADAM provides a model for the Nation, and now, with the enactment of this new law, more schools will have access to the information they seek to launch similar programs.

The ADAM Act was passed into law in 2003, but has yet to be funded. Should funding be enacted, the program will help to put life-saving defibrillators in the hands of people in schools around the country. I have been very proud to play a part in having this bill signed into law, and it is my hope that the reauthorization of the Act will quickly pass through the Congress and into law, and that funding will follow. It would not take much money to fund this program and save lives across the country.

The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow's pediatric cardiac arrest victims a fighting chance at life.

This act exists because a family that experienced the tragic loss of their son was determined to spare other families that same loss. I thank Adam's parents, Joe and Patty, for their courageous efforts and I thank them for everything they have done to help the ADAM Act become law. Their actions take incredible bravery, and I commend them for their efforts.

By making sure that AEDs are available in our Nation's rural areas, schools and throughout our communities we can help those in a race against time have a fighting chance of survival when they fall victim to cardiac arrest. I urge Congress to pass this reauthorization, and to fund this Act. We have the power to prevent death—all we must do is act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 693

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 ''Automated Defibrillation in Adam's Memory Reauthorization Act''.

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 312(e) of the Public Health Service Act (42 U.S.C. 244(e)) is amended in the first sentence by striking ''fiscal year 2003'' and all the follows through ''2006'' and inserting ''for each of fiscal years 2003 through 2011''.

By Mrs. CLINTON (for herself, Mr. SUNUNU, Mr. REED, Mr. KERRY, Mr. DURBIN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. LAUTENBERG):

S. 694. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, today I am reintroducing with my colleague Senator SUNUNU The Cameron Gulbransen Kids and Cars Safety Act, a bill to improve the child safety features in new vehicles.

While we hear a great deal about automobile accidents, we don't hear nearly as much about non-traffic automobile accidents, which can be just as tragic. This bill is named in honor of a 2-year-old Long Island boy who was killed when his father accidentally backed over him in his driveway. Since 2000, over 1,150 children have died in non-traffic, non-crash incidents, and this number has been steadily rising. The average age of victims in these cases is just 1 year old, and in 70 percent of backover cases, a parent, relative or close friend is behind the wheel. This bill is aimed at preventing other families from suffering this fate.

The Cameron Gulbransen Kids and Cars Safety Act would make new passenger motor vehicles safer in three important ways. First, it requires a detection system to alert drivers to the

presence of a child behind the vehicle. Second, it will ensure that power windows automatically reverse direction when they detect an obstruction—preventing children from being trapped, injured or killed. And finally, the bill will require the vehicle service break to be engaged in order to prevent vehicles from unintentionally rolling away.

The bill also establishes a child safety information program administered by the Secretary of Transportation to collect non-traffic, non-crash incident data and disseminate information to parents about these hazards and ways to mitigate them.

This bill proves that with modest, cost-effective steps, we can prevent many tragic car-related accidents from occurring. Power window sensors, for example, cost around $10 a window. Brakeshift interlocks are already standard in most passenger vehicles, but will cost only $5 where needed. Backover warning systems cost approximately $300 a car, far cheaper than DVD and stereo systems. This inexpensive technology could save thousands of children's lives.

I fought long and hard into the last hours of the 109th Congress to get this bill through and I know that families, advocates and many of my colleagues are poised to continue that momentum in the new Congress.

I am proud to be reintroducing the Cameron Gulbransen Kids and Cars Safety Act of 2007 and urge all my colleagues to join me in supporting this bill. Together, we can ensure that we have safer cars and safer kids across our country.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. 695. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, as you may know, Turkey invaded the northern area of the Republic of Cyprus in the summer of 1974. At that time, less than 20 percent of the private real property in this area was owned by Turkish Cypriots, with the rest owned by Greek Cypriots and foreigners. Turkey's invasion and subsequent occupation of northern Cyprus displaced people who are to this day prevented by the Turkish Armed Forces from returning to and repossessing their homes and properties.

A large proportion of these properties were distributed to, and are currently being used by, the 120,000 Turkish settlers brought into the occupied area by Turkey. It is estimated that 7,000 to 10,000 U.S. nationals today claim an interest in such property.

Adding urgency to the plight of Greek-Cypriots and Americans who lost property in the wake of the invasion is a recent property development boom in the Turkish-occupied north of Cyprus. As an ever-increasing number of disputed properties are transferred or developed, the rightful owners' prospects for recovering their property or being compensated worsen.

In 1998, the European Court of Human Rights found that Turkey had unlawfully deprived Greek Cypriot refugees of the use of their properties in the north of the island. The Court ruled that the Government of Turkey was obliged to compensate the refugees for such deprivation, and to allow them to return home.

It is to provide similar redress to the American victims of Turkey's invasion and occupation of Cyprus that my colleague Senator MENENDEZ and I today introduce the ''American-Owned Property in Occupied Cyprus Claims Act''.

This act would direct the U.S. Government's independent Foreign Claims Settlement Commission to receive, evaluate and determine awards with respect to the claims of U.S. citizens and businesses that lost property as a result of Turkey's invasion and continued occupation of northern Cyprus. To provide funds from which these awards would be paid, the act would urge the President to authorize the Secretary of State to negotiate an agreement for settlement of such claims with the Government of Turkey.

The act would further grant U.S. Federal courts jurisdiction over suits by U.S. nationals against any private persons, other than Turkey, occupying or otherwise using the U.S. national's property in the Turkish-occupied portion of Cyprus. Lastly, the act would expressly waive Turkey's sovereign immunity against claims brought by U.S. nationals in U.S. courts relating to property occupied by the Government of Turkey and used by Turkey in connection with a commercial activity carried out in the United States.

This bill represents an important step toward righting the internationally recognized wrong of the expropriation of property, including American property, in northern Cyprus in the wake of the 1974 invasion by the Turkish Army. I strongly urge my colleagues to promptly consider and pass this critical piece of legislation.

By Mr. BAUCUS:

S. 696. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BAUCUS. Mr. President, energy is once again one of the top two or three domestic issues facing the Congress this year.

Prices for gasoline, heating oil, electricity, and natural gas have soared in recent years, hitting working families hard. Our energy security has been threatened on many fronts: We have seen a terrorist attack on Saudi Arabian oil facilities, oil workers kidnapped in Nigeria, Venezuelan President Hugo Chavez threatened to cut off our supply of oil from his country, and some question whether Iran's role as an oil supplier keeps other countries from properly addressing Iran's nuclear proliferation threat. Recently we learned that Russia and Iran are talking about creating an OPEC-like organization for natural gas—a cartel that could put even more pressure on natural gas prices.

Energy provides one of America's greatest challenges for the 21st century. Our economy has been dependent on oil and coal for about 100 years. And since World War II, natural gas has become part of the equation. Will we continue to rely on these energy sources for the next 100 years?

The cost of energy will profoundly affect the future competitiveness of the American economy. As the Chinese and Indian economies grow, so will their demand for energy. And that will add further upward pressure to energy prices.

Global climate change is another issue that demands that we take a fresh look at our energy future. While we address the issue of energy security, we must also keep an eye on the effect that new energy development will have on carbon dioxide emissions and global warming.

We are essentially trapped in an energy box. It is a box characterized by high imports, wildly fluctuating prices for oil and natural gas, and environmental danger. As a Nation, we must experiment with ways to break out of that box. To break out, we need an energy research effort modeled after the Manhattan project, or the Apollo mission to the moon.

America has a brilliant record of gathering the best minds. We have consistently met challenges that at first seemed to be impossible. During World War II, the Manhattan project brought together brilliant physicists and engineers to build an atomic bomb in 3 short years. And after President Kennedy described his vision to a joint session of Congress in May of 1961, the Apollo space program put a man on the moon in just 8 years.

Looking back, these achievements look stunning. Both projects started out with no guarantee of success. Each could have ended in utter failure. Yet because of the talent, ingenuity, and focus of creative minds, they both succeeded.

Breaking out of the energy box poses a similar challenge. Success is not guaranteed. But we have got to give it our best shot.

Today I am reintroducing legislation to create an ARPA–E, Advanced Research Projects Agency—Energy. My legislation would create a new energy research agency to help our nation face the challenges of a newly competitive global economy. It will help us to move into a new energy future.

We have the greatest research scientists on the planet. We have the most technically-talented workforce in

the world. But we do not have the vigor that we need in energy research. Energy research is a backwater, compared to other research efforts in biotechnology, medicine, computers, and defense-oriented projects.

With the Manhattan project and the Apollo space program, America proved that we can gather the best talent for a focused mission and succeed. It is time that we began a similar effort on energy.

We need to create a new agency to initiate cutting-edge, innovative energy research and development aimed at taking us to a new energy future. Doing so is essential to our effort to improve our economic competitiveness.

The new agency is modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionary technologies that DARPA has developed are the internet and stealth technology for aircraft. DARPA has been a tremendous success.

The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the committee. Based on DARPA's achievements, the committee recommended the creation of an ARPA–E: Advanced Research Projects Agency—Energy.

This was one of a number of recommendations that the committee made in its impressive 2005 report on the future competitive challenges that America faces. The committee recommended that ARPA–E be designed to conduct transformative, out-of-the-box energy research.

My bill proposes that ARPA–E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff. A director of the agency and four deputies would lead ARPA–E. I propose that ARPA–E be funded at $300 million in fiscal year 2008, $600 million in 2009, $1.1 billion in 2010, $1.5 billion in 2011, and $2.0 billion in 2012.

We would require that the staff have a technical background. The agency would use the Experimental Personnel Authority designed for DARPA. That authority authorizes higher salaries than for typical Federal employees, and faster hiring, so that the agency could get to work quickly.

To keep the intense, innovative focus that we want, technical staff would be limited to 3 to 4 years at the agency. Managers would be limited to 4 to 6 years. The director could give both groups extended terms of employment if the director so chose.

For contracts, the agency would use the DARPA procedure. That procedure allows more flexible contracting arrangements than are normally possible under the Federal Acquisition Regulations. To ensure that ARPA–E would conduct innovative research, 75 percent of research projects initiated by ARPA–E would not be peer reviewed.

The ARPA-E would be authorized to award cash prizes to encourage and accelerate energy research accomplishments.

Finally, the bill would require a report by the end of fiscal year 2008 on whether ARPA–E would need its own energy research lab.

Congress enacted an important companion piece to ARPA–E last December in the Tax Relief and Health Care Act of 2006. That law extended the credit for electricity from renewable resources, added $400 million to the Clean Renewable Energy Bond program, extended the deduction for energy efficient buildings and the credit for energy efficient homes, and provided incentives for cellulosic biomass ethanol facilities.

On the energy agenda this year is consideration of President Bush's proposal to increase Federal targets for use of renewable and alternative fuels. And additional tax incentives to encourage the development and use of alternative energy are being contemplated.

We are seeing exciting new efforts in America to strengthen our energy competitiveness. We need to build on this foundation by creating an aggressive energy research agency that will push the limits of new technology and discover alternative energy sources.

America has massive coal reserves. So coal gasification is receiving greater attention. Gasification involves breaking down coal under heat and pressure to create synthetic natural gas. We must address the environmental issues. But if this technology can be improved, then America will be able to take a huge step toward energy independence.

There are exciting developments in wind energy. In Montana, the Judith Gap Wind Farm has been generating power at full capacity, using 90 wind turbines. Each turbine can produce enough electricity for roughly 400 homes. The entire farm can produce the electricity needed to supply 300,000 customers. And my State ranks in the top 15 States in the Nation for wind power capacity. Nationwide, wind power generating capacity increased 27 percent in 2006.

Fusion is another possible area where aggressive research could lead to huge payoffs. Continuing research will help us to determine whether energy production through fusion is a practical option.

Ethanol is also gaining as an alternative energy option. The Nation's first cellulosic ethanol pilot facility has opened in Jennings, Louisiana. This 1.4 million gallons-per-year, demonstration-scale facility will produce cellulosic ethanol from sugarcane plant residue and specially-bred energy cane by the end of 2007.

There are also exciting developments in nanotechnology, solar power, energy-efficient materials, biomass, and green buildings.

All of these are examples of possible directions for our Nation's energy future. But we need a more aggressive and focused research and development effort to push these alternatives. And we need an effort to create scientific breakthroughs to supplement existing technologies.

We have got to give it our best shot. As President Franklin Roosevelt said, we must conduct ''bold, persistent experimentation.''

Our economic security is at stake. Our ability to compete in the new world economy is at stake.

ARPA–E will help us to move forward on existing technologies. It will help us to find new technologies that are not even imaginable today.

I urge my Colleagues to look closely at this legislation.

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. 696

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 ''Energy Research Act of 2007''.

SEC. 2. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as ''ARPA–E'').

(b) GOALS.—The goals of ARPA–E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA–E shall be headed by a Director (referred to in this section as the ''Director'') appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''Director, Advanced Research Projects Administration-Energy.''.

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established

under this section, to the maximum extent practicable, in a manner that is similar to the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA–E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA–E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA–E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA–E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) EXPERIMENTAL PERSONNEL AUTHORITY.—In appointing personnel for ARPA–E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(4) MAXIMUM DURATION OF EMPLOYMENT.—

(A) PROGRAM MANAGERS AND SENIOR TECHNICAL MANAGERS.—

(i) IN GENERAL.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) EXTENSIONS.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) TECHNICAL PROGRAM MANAGERS.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) LOCATION.—The office of an officer or employee of ARPA–E shall not be located in the headquarters of the Department of Energy.

(f) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To carry out projects through ARPA–E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) PEER REVIEW.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the mission of ARPA–E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) COORDINATION OF ACTIVITIES.—The Director—

(1) shall ensure that the activities of ARPA–E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) REPORT.—Not later than September 30, 2008, the Director shall submit to Congress a report on the activities of ARPA–E under this section, including a recommendation on whether ARPA–E needs an energy research laboratory.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $600,000,000 for fiscal year 2009;

(3) $1,100,000,000 for fiscal year 2010;

(4) $1,500,000,000 for fiscal year 2011; and

(5) $2,000,000,000 for fiscal year 2012.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 697. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation along with my colleague from Pennsylvania, Senator Casey, that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the ''Steel Industry National Historic Site'' to be operated by the National Park Service in southwestern Pennsylvania.

The importance of the steel industry to the development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great nation. The National Park Service has reported that Congress should make remnants of the U.S. Steel Homestead Works an affiliate of the national park system, rather than a full national park, an option which had been considered in years prior, and which I proposed in the 107th Congress. Due to the backlog of maintenance projects at national parks, the legislation offered today instead creates a national historic site that would be affiliated with the National Park Service. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America and continues today.

I have long supported efforts to preserve and enhance the historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the city of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny; Armstrong, Fayette, Greene, Washington and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of roughly $1 million annually since fiscal year 1998. I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition needed for this important heritage. That is why I am introducing this legislation today.

It is important to note why Pennsylvania should be the home of the national site that my legislation authorizes. The combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace Complex, the Hot Metal Bridge, and the United States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation. As testimony of the area's historic significance, on September 20, 2006, the Carrie Furnaces were designated as a National Historic Landmark by the Secretary of the Interior.

Highlights of such a national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national site under this bill includes the location of the Battle of the Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of the Homestead marked a crucial period in our nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the Federal Government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative DOYLE, who has been a longstanding leader in this preservation effort and who has consistently sponsored identical legislation in the U.S. House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr.

August Carlino, President and Chief Executive Officer of the Steel Industry Heritage Corporation, in order to bring this national historic site to fruition. We came very close to passing this bill in the 108th Congress with its passage in various forms in the House and the Senate. However, Congress adjourned prior to final passage of the same bill in both chambers during the 108th and 109th Congresses. Therefore, today we reintroduce this legislation and urge its swift passage.

By Mr. DURBIN (for himself, Mr. HAGEL, and Mr. WARNER):

S. 698. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, today I am introducing the Veterans' Survivor Education Enhancement Act. This legislation would expand education benefits for the survivors and dependents of fallen servicemembers.

Specifically, the legislation would adjust the Survivors' and Dependents' Educational Assistance Program by increasing the dependent benefit to $80,000 which the dependent can draw against for any period between the ages of 17 and 30. This benefit may be used for any expenses incurred while pursuing an education, including: tuition, fees, books, room, and board. Education benefits may be used for degree and certificate programs, apprenticeship, and on-the-job training. The surviving spouse benefit also will rise to $80,000 and may be used by the spouse for 20 years after the death of the servicemember.

Of the 24.3 million veterans currently alive, nearly three-quarters served during a war or an official period of conflict. About a quarter of the Nation's population, approximately 63 million people, are potentially eligible for veterans' benefits and services because they are veterans, family members or survivors of veterans. Since the dependents program was enacted in 1956, the Department of Veterans Affairs (VA) also has assisted in the education of more than 700,000 dependents of veterans whose deaths or total disabilities were service-connected. In 2005, VA helped pay for the education or training of 336,347 veterans and active-duty personnel, 87,589 reservists and National Guardsmen and 74,360 survivors.

Surviving families of veterans have already given so much to our Nation. We need to give the widowed spouses and children a helping hand. Therefore, in honor of these families and our brave fallen servicemembers, I encourage my colleagues to support the Veterans' Survivor Education Enhancement Act and cosponsor this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 698

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 ''Veterans' Survivors Education Enhancement Act of 2007''.

SEC. 2. EXPANSION AND ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS OF VETERANS.

(a) TERMINATION OF DURATIONAL LIMITATION ON USE OF EDUCATIONAL ASSISTANCE AND RESTATEMENT OF CONTINUING REQUIREMENTS.—

(1) IN GENERAL.—Subsection (a) of section 3511 of title 38, United States Code, is amended to read as follows:

''(a)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of educational assistance described in paragraph (2) shall not be charged against the entitlement of any individual under this chapter.

''(2) The payment of educational assistance referred to in paragraph (1) is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10 or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32; and

''(B) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the course pursuit.''.

(2) CONFORMING AMENDMENTS.—Such title 38 is further amended as follows:

(A) In section 3511, by amending the heading to read as follows:

''§ 3511. Treatment of certain interruptions in pursuit of programs of education''.

(B) In section 3532(g)—

(i) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraph (2)'';

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(C) By striking section 3541 and inserting the following new section:

''§ 3541. Special restorative training

''(a) The Secretary may, at the request of an eligible person—

''(1) determine whether such person is in need of special restorative training; and

''(2) if such need is found to exist, prescribe a course that is suitable to accomplish the purposes of this chapter.

''(b) A course of special restorative training under subsection (a) may, at the discretion of the Secretary, contain elements that would contribute toward an ultimate objective of a program of education.''.

(D) In section 3695(a)(4), by striking ''35,''.

(b) EXTENSION OF DELIMITING AGE OF ELIGIBILITY FOR DEPENDENTS.—Section 3512(a) of such title, is amended by striking ''twenty-sixth birthday'' each place it appears and inserting ''thirtieth birthday''.

(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 3532 of such title is amended to read as follows:

''§ 3532. Amount of educational assistance

''(a) The aggregate amount of educational assistance to which an eligible person is entitled under this chapter is $80,000, as increased from time to time under section 3564 of this title.

''(b) Within the aggregate amount provided for in subsection (a), educational assistance under this chapter may be paid for any purpose, and in any amount, as follows:

''(1) A program of education consisting of institutional courses.

''(2) A full-time program of education that consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

''(3) A farm cooperative program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months that is pursued by an eligible person who is concurrently engaged in agricultural employment that is relevant to such institutional agricultural courses as determined under standards prescribed by the Secretary.

''(4) A course or courses or other program of special educational assistance as provided in section 3491(a) of this title.

''(5) A program of apprenticeship or other on-job training pursued in a State as provided in section 3687(a) of this title.

''(6) In the case of an eligible spouse or surviving spouse, a program of education exclusively by correspondence as provided in section 3686 of this title.

''(7) Special restorative training as provided in section 3542 of this title.

''(c) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, any educational assistance for such person under this chapter shall be paid at the rate of $0.50 for each dollar.

''(d)(1) Subject to paragraph (2), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the available entitlement for the individual under this chapter.''.

(2) CONFORMING AMENDMENTS.—Title 38, United States Code, is amended as follows:

(A) By striking section 3533 and inserting the following new section:

''§ 3533. Tutorial assistance

''An eligible person shall, without any charge to any entitlement of such person to educational assistance under section 3532(a) of this title, be entitled to the benefits provided an eligible veteran under section 3492 of this title.''.

(B) Section 3534 is repealed.

(C) In section 3542—

(i) in subsection (a), by striking ''computed at the basic rate'' and all that follows through the end of the subsection and inserting a period; and

(ii) in subsection (b), by striking ''an educational assistance allowance'' and inserting ''educational assistance''.

(D) In section 3543(c)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(E) In section 3564, by striking ''rates payable under sections 3532, 3534(b), and 3542(a)'' and inserting ''aggregate amount of educational assistance payable under section 3532''.

(F) In section 3565(b), by striking paragraph (1) and inserting the following new paragraph (1):

''(1) educational assistance payable under section 3532 of this title, including the special training allowance referred to in subsection (b)(7) of such section, shall be paid at the rate of $0.50 for each dollar; and''.

(G) In section 3687—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1), by striking ''or an eligible person (as defined in section 3501(a) of this title)''; and

(II) in the flush matter following paragraph (2), by striking ''chapters 34 and 35'' and inserting ''chapter 34'';

(ii) in subsection (c), by striking ''chapters 34 and 35'' and inserting ''chapter 34''; and

(iii) in subsection (e), by striking paragraph (3) and inserting the following new paragraph (3):

''(3) In this subsection, the term 'individual' means an eligible veteran who is entitled to monthly educational assistance allowances payable under section 3015(e) of this title.''.

(d) OTHER CONFORMING AMENDMENTS.—Title 38, United States Code, is further amended as follows:

(1) In section 3524, by striking ''the educational assistance allowance'' each place it appears and inserting ''educational assistance''.

(2) In section 3531—

(A) in the heading, by striking ''**allowance**'';

(B) in subsection (a), by striking ''an educational assistance allowance'' and inserting ''educational assistance''; and

(C) in subsection (b), by striking ''allowance''.

(3) In section 3537(a), by striking ''additional''.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 35 of such title is amended as follows:

(1) By striking the item relating to section 3511 and inserting the following new item:

''3511. Treatment of certain interruptions in pursuit of programs of education.''.

(2) By striking the items relating to section 3531, 3532, and 3533 and inserting the following new items:

''3531. Educational assistance.
''3532. Amount of educational assistance.
''3533. Tutorial assistance.''.

(3) By striking the item relating to section 3534.

(4) By striking the item relating to section 3541 and inserting the following new item:

''3541. Special restorative training.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ANNUAL ADJUSTMENTS FOR FISCAL YEAR 2008.—Notwithstanding the effective date under paragraph (1) of the amendment to section 3564 of title 38, United States Code, made by subsection (c)(2)(E), the Secretary of Veterans Affairs shall make the first increase in the aggregate amount of educational assistance under section 3532 of such title as required by such section 3564 (as so amended) for fiscal year 2008.

SUMITTED RESOLUTIONS

SENATE RESOLUTION 86—DESIGNATING MARCH 1, 2007, AS ''SIBLINGS CONNECTION DAY''

Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. BROWN, Mr. KERRY, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 86

Whereas sibling relationships are among the longest-lasting and most significant relationships in life;

Whereas brothers and sisters share history, memories, and traditions that bind them together as family;

Whereas it is estimated that over 65 percent of children in foster care have siblings, many of whom are separated when placed in the foster care system, adopted, or confronted with different kinship placements;

Whereas children in foster care are at greater risk than their peers of having emotional disturbances, problems in school, and difficulties with relationships later in life;

Whereas the separation of siblings while children causes additional grief and loss;

Whereas organizations and private volunteer efforts exist that advocate for preserving sibling relationships in foster care settings and that give siblings in foster care the opportunity to reunite;

Whereas Camp to Belong, a nonprofit organization founded in 1995 by Lynn Price, heightens public awareness of the need to preserve sibling relationships in foster care settings and gives siblings in foster care the opportunity to be reunited; and

Whereas Camp to Belong has reunited over 2,000 separated siblings across the United States, the United States Virgin Islands, and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2007, as ''Siblings Connection Day'';

(2) encourages the people of the United States to celebrate sibling relationships on Siblings Connection Day; and

(3) supports efforts to respect and preserve sibling relationships that are at risk of being disrupted by the placement of children in the foster care system.

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD IMPLEMENT A COMPREHENSIVE INTERAGENCY PROGRAM TO REDUCE THE LUNG CANCER MORTALITY RATE BY AT LEAST 50 PERCENT BY 2015

Mr. HAGEL (for himself, Mrs. CLINTON, Mr. BROWNBACK, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 87

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), coordinated and comprehensive research has raised the 5-year survival rates for breast cancer to 88 percent, for prostate cancer to 99 percent, and for colon cancer to 64 percent;

Whereas the 5-year survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer cases are now diagnosed in nonsmokers or former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as Black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the baby boomer generation are entering their sixties, the most common age at which people develop cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for other common malignancies and far out of proportion to its massive health impact'';

Whereas the Report of the Lung Cancer Progress Review Group identified as its ''highest priority'' the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the lung cancer mortality rate by 50 percent by 2015;

(2) direct the Secretary of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs as part of a coordinated strategy with defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state-of-the-art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint a Lung Cancer Scientific and Medical Advisory Committee, comprised of medical, scientific, pharmaceutical, and patient advocacy representatives, to—

(A) work with the National Lung Cancer Public Health Policy Board described in paragraph (5); and

(B) report to the President and Congress on the progress toward and the obstacles to achieving the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015; and

(5) convene a National Lung Cancer Public Health Policy Board, comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer

Scientific and Medical Advisory Committee, to oversee and coordinate all efforts to accomplish the goal described in paragraph (1) of reducing the lung cancer mortality rate by 50 percent by 2015.

AMENDMENTS SUBMITTED AND PROPOSED

SA 268. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table.

SA 269. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 270. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 184, to provide improved rail and surface transportation security; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 268. Mr. SALAZAR (for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term ''rural'' means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

SA 269. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. VACANCIES.

(a) IN GENERAL.—Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) A person appointed as United States attorney under this section may serve until the earlier of—

''(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

''(2) the expiration of 120 days after appointment by the Attorney General under this section.

''(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—

(A) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(i) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(ii) 120 days after the date of enactment of this Act.

(B) EXPIRED APPOINTMENTS.—If an appointment expires under subparagraph (A), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this section.

SA 270. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 184, to provide improved rail and surface transportation security; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. VACANCIES.

(a) IN GENERAL.—Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) A person appointed as United States attorney under this section may serve until the earlier of—

''(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

''(2) the expiration of 120 days after appointment by the Attorney General under this section.

''(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—

(A) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(i) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(ii) 120 days after the date of enactment of this Act.

(B) EXPIRED APPOINTMENTS.—If an appointment expires under subparagraph (A), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this section.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled ''Credit Card Practices: Fees, Interest Rates, and Grace Periods.'' It is the first of several subcommittee hearings that will examine a variety of credit card practices that raise concerns. This hearing will focus on how credit card issuers apply interest rates and fees to consumer accounts. It will examine, for example, how credit card issuers select and apply interest rates and, for consumers carrying a balance forward, eliminate grace periods for repaid debts. It will also analyze high fees charged for late payments, over-the-limit charges, and other matters, including how those fees are assessed, how they add to increase interest costs, and how they contribute to consumer debt. In addition, the hearing will examine an industry practice requiring consumer payments to be applied first to balances with the lowest interest rates instead of to balances with the highest interest rates. The hearing will draw, in part, from a September 2006 GAO report detailing the finance charges, fees, and disclosure practices associated with 28 popular credit cards. Witnesses for the upcoming hearing will include representatives from the three largest credit card issuers, Bank of America, JPMorgan Chase, and Citigroup, as well as consumer witnesses. A final witness list will be available on Monday, March 5, 2007.

The subcommittee hearing is scheduled for Wednesday, March 7, 2007, at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, of the Permanent Subcommittee on Investigations at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 27, at 9:30 a.m., in open and closed sessions to receive testimony on current and future worldwide threats to the national security of the United States.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the sessions of the Senate on Tuesday, February 27, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the Passenger Rail Investment and Improvement Act of 2007.

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

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, February 27, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''America's Energy Future: Bold Ideas, Practical Solutions''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 27, 2007, at 2:30 p.m. to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, February 27, 2007 at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to conduct a hearing on ''Strengthening Our Criminal Justice System: The John R. Justice Prosecutors and Defenders Incentive Act of 2007'' on Tuesday, February 27, 2007 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness List:

Paul A. Logli, Winnebago County State's Attorney, Chairman of the Board, National District Attorneys Association, Rockford, Illinois; Michael P. Judge, Chief Public Defender, Los Angeles County, Founding Member, American Council of Chief Defenders, Los Angeles, California; Jessica A. Bergeman, Assistant State's Attorney, Cook County State's Attorneys Office, Chicago, Illinois; George B. Shepherd, Associate Professor of Law, Emory University School of Law, Atlanta, Georgia.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 27, 2007 at 2 p.m. in the Canon Caucus Room, to hear the legislative presentation of the Disabled American Veterans.

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

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Aaron Firoved and Nathan Lesser, both fellows on detail to my Homeland Security and Governmental Affairs staff, and Cherrie Daniels, a fellow on detail from my personal office, have leave to the floor for the duration of the debate on the bill, S. 4.

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

ORDER FOR STAR PRINT—S. 562 AND S. 609

Mr. DURBIN. Mr. President, I ask unanimous consent that S. 562 and S. 609 each be star printed with the changes at the desk.

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

ORDERS FOR WEDNESDAY, FEBRUARY 28, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, February 28; that on Wednesday, following the prayer and the Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the majority and the second 30 minutes under the control of the Republicans; that following morning business, the Senate then begin consideration of S. 4, as previously ordered.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:23 p.m., adjourned until Wednesday, February 28, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 2007:

DEPARTMENT OF JUSTICE

JEFFREY A. TAYLOR, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE KENNETH L. WAINSTEIN, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL J. BROWNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. THOMAS F. KENDZIORSKI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. LOTHROP S. LITTLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KENNETH J. BRAITHWAITE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEPHEN P. CLARKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JOSEPH D. STINSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JERRY R. KELLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CYNTHIA A. DULLEA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PATRICIA E. WOLFE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. GARRY J. BONELLI, 0000
CAPT. ROBIN R. BRAUN, 0000
CAPT. SANDY L. DANIELS, 0000
CAPT. SCOTT E. SANDERS, 0000
CAPT. ROBERT O. WRAY, JR., 0000