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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

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

Let us pray.

Lord God Almighty, Maker of Heaven and Earth, Creator of humanity, bless our lawmakers today as they seek to do Your will. Guide them through this day by Your higher wisdom. Answer every prayer in this Chamber uttered or unexpressed, according to each particular need.

As our Senators labor, help them to move with alacrity, to be patient when they must wait, and to make decisions only when Your answer has become clear. Guard their hearts and minds with a peace that passes understanding.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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, July 16, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Senate will be in a period of morning business. I ask unanimous consent that it be a full hour of morning business because I am going to have to go into a quorum call in a minute to wait for one of my colleagues to come. We have some business to transact in the Senate, and I want to make sure there is somebody here to do that. So I ask unanimous consent that there be a full hour of morning business.

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

SCHEDULE

Mr. REID. Today, when we finish morning business, the Senate will resume consideration of the Department of Defense authorization bill. As we announced, there will be no rollcall votes tonight. This is the only Monday or Friday during this work period there will be no rollcall votes, unless we are able to get work done that we do not expect to get done that soon.

The amount of work we have to do this work period is significant. As I have indicated, we want to do what we can to finish this Defense authorization bill. We want to do the Homeland Security appropriations bill. We want to be able to complete reconciliation, which is for higher education. We have SCHIP, for which there is a bipartisan agreement that will be reported out of the committee, I understand, tomorrow, which has been worked on for weeks and weeks by Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH. They have agreed on a bipartisan arrangement. In fact, it may have been—I do not know if it was reported out last week, but I do know there is good bipartisan support on that legislation. Some people believe it is not enough money, the $35 billion, some think it is too much, but it is bipartisan, and Senator HATCH has contacted the President, that the President would reconsider his threat to veto that bill.

We also have to do the 9/11 Commission recommendations conference report. It is my understanding the House is going to appoint conferees on that today. There has been a lot of work done preconference on that with Democrats and Republicans working together. I think that will work out very well.

We still have the holdup with the ethics and lobbying reform. I do hope we can get that done. We will get it done. It may take a number of cloture votes, but we are going to finish that before the August recess. It would be to the advantage of everyone here to get that done. The staff of Senator MCCONNELL and my staff have worked very hard to see what they can do to help the various committees that are involved in this issue. It is now being held up. I hope this can be worked out. I have reached out to Senator DEMINT, who is the person at this stage holding it up on behalf of the Republicans. He, at this stage, has not been willing to change his position, which is very unfortunate because it is important we work out the earmarking provisions in this bill in conference. We cannot jam something into the process here, where you have the House with one rule, the Senate with another rule, and you go to conference and you wind up in no-man's land. We have to work out something.

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

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Everyone acknowledges we need earmark reform, and the Appropriations Committee has been following that this year. Senators BYRD and COCHRAN have made that direction, even though the legislation has not been completed. But in the meantime, we do not have lobbying and ethics reform, which is long past due. So I hope we can work together to complete our work in a timely fashion; otherwise, it will be finished in an untimely fashion because we are going to finish all this work before we have our August recess.

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

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

Mr. REID. Mr. President, I withhold that suggestion.

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

Mr. REID. Mr. President, I have been reminded by staff that of our 30 minutes the Democrats are allotted of the 60 minutes, 30 minutes of our time—in fact, all of it—be given to Senator FEINSTEIN.

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

RESERVATION OF LEADER TIME

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

Mr. REID. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

IRAQ

Mr. REID. Mr. President, after 52 months—about 210 weeks—and about 1,500 days, America finds itself mired in one of the most tragic foreign policy blunders in our Nation's history. The sad part about it is, there is no end in sight. In my view, and that of academics and others, it will take years, and even decades, to finally close the book on the damage this war has caused our troops, our economy, and our moral standing in the world.

On May 24, 2007, President Bush said:

> We are there at the invitation of the Iraqi government. This is a sovereign nation. Twelve million people went to the polls to approve a constitution. It's their government's choice. If they were to say leave, we would leave.

That is the quote of President Bush.

This weekend, Iraqi Prime Minister al-Maliki—for whom President Bush has expressed consistent support and confidence—said that Iraqi forces could take control of their security at ''any time'' American troops want to leave or were to leave.

A recent poll of the Iraqi people showed that 21 percent think the American presence makes their country safer, while 69 percent say it puts them, the Iraqi people, at greater risk. That is what the Iraqis say.

The Iraqi people and their leaders say they are ready for us to end our combat operation. I think it is time we listen to them.

In the war's soon to be 5 years, our troops have accomplished everything they have been asked to do. They took down the Iraqi dictator. They secured the country for not one, not two, but three elections. They provided the security needed for Iraqi factions to come together to negotiate peaceful settlement of their differences.

But the Iraqi leaders have not done their part. After these 52 months: more than 3,600 Americans killed, tens of thousands wounded, and after nearly $600 billion of American taxpayer dollars spent. And after this sacrifice—52 months of sacrifice—it is long past time for the Iraqi leaders and the Iraqi people to put their words into action by taking responsibility for their own future. After 52 months, more than 3,600 Americans killed, tens of thousands wounded, and nearly 600 billion in taxpayer dollars spent, President Bush continues to tell our troops and all Americans that we should wait it out, just stay the course. After 52 months, our troops and our security cannot afford the President's ''run-out-the-clock'' strategy.

We have an opportunity and an obligation to change course in Iraq right now. We can remove our brave troops from the front lines of another country's civil war, a conflict we have no business policing and little chance to diffuse. We can conduct the kind of tough and strong diplomacy required to stabilize Iraq and the region, which even the President's own military experts plead with him to revise. Remember, General Petraeus has said the war cannot be won militarily. We can refocus our resources and fight a real war on terror that drives the terrorists back to the darkest caves and corners of the Earth.

We can choose that path now. We don't have to mark time waiting for the President to wake up one morning with a change of heart or his term to run out. We don't have to wait 2 more months for an arbitrary September deadline when it is so clear a course change is required and required now. With our courage and our votes, we can rise above the tragic failure to deliver a new course that our brave troops and all Americans demand and deserve. We can do that today by voting for the Levin-Reed amendment to the Defense authorization bill.

What does Levin-Reed do? It sets a firm date and an end date to transition the mission and begin the reduction of U.S. forces beginning 120 days after enactment and completed by April 30 of 2008. Levin-Reed limits the U.S. military mission after April 30 to counterterrorism; the training of Iraqi security forces and protection of U.S. personnel and assets; requires that the reduction in forces be part of a comprehensive, diplomatic, regional, political, and economic effort; and appoints an international mediator to bring together the warring factions. That provision dealing with appointing an international mediator to bring together warring factions was newly placed in the bill. The idea and the language came from Senator HAGEL of Nebraska and is a great addition to this amendment.

To those who say this language is binding on the President, I say it is, and that is what it is meant to be. It is binding because the President has resisted every effort we have made to work with him to change the direction of his failed Iraq policy. The record will show that binding language was not our first choice. We passed legislation requiring that 2006 be a year of transition. Instead, the President ignored this language and dug us in even deeper into an intractable civil war. We gave the President a chance to develop his own new course as Commander in Chief. He refused to do that. Instead, he chose to extend deployments and ask even more of our brave men and women in uniform.

Earlier this year we passed legislation that would have begun the phased redeployment while leaving significant discretion to the President about how and when to execute the redeployment. Instead, the President vetoed this bill and asserted that only he had the power to set war policy, even though we have a constitutional obligation to do so.

So the record is clear, the President's decision to stubbornly cling to the current course leaves this body no choice but to enact binding language. He has failed to lead us out of Iraq. We are ready to show him the way.

I am going to propound a unanimous consent. I have the greatest respect for my friend, the distinguished junior Senator from Arizona, but I say that I am going to enforce the rule that when I propound this, the distinguished Senator from Arizona should either agree to it or object. This is not the time for speeches because if he objects to it, I have more to say.

So I ask unanimous consent that if the House further amends H.R. 1 with the text of H.R. 1401 and requests a conference with the Senate—Mr. President, I misread the first line. I ask unanimous consent that if the House further amends H.R. 1 with the text of H.R. 1401 and requests a conference with the Senate, that the Senate agree to the request and appoint the same conferees which the Senate has already appointed to H.R. 1.

Mr. KYL addressed the Chair.

Mr. REID. Mr. President, if the Senator could withhold.

I withdraw the unanimous consent request.

The ACTING PRESIDENT pro tempore. The unanimous consent request is withdrawn.

Mr. REID. I apologize to my friend. It was the wrong unanimous consent request.

I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President we had a shuffling of unanimous consent requests, and obviously the wrong one was shuffled to me. I apologize for holding up my friends.

UNANIMOUS-CONSENT REQUESTS—AMENDMENT NO. 1401

Mr. REID. I ask unanimous consent that the second-degree amendment to the Levin-Reed amendment be withdrawn and that there be 6 hours of debate on the Levin-Reed amendment; at the conclusion or yielding back of that time, the Senate vote on the Levin-Reed amendment with no second-degree amendments in order thereto.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, I apologize. If I could ask the distinguished leader, was this with respect to the Levin-Reed amendment No. 1401?

Mr. REID. Yes. I did propound that request asking, basically, that we have an up-or-down vote on it. I have suggested 6 hours, but we would take any reasonable time.

Mr. KYL. Mr. President, if I could respond, and reserving the right to object, I assume that if the Cornyn amendment, which was designed to be a side-by-side amendment, and the Levin-Reed amendment could both be voted on and both had a 60-vote threshold, a time agreement could be worked out. I ask the majority leader, could the unanimous consent request be modified to incorporate that principle so that there wouldn't have to be cloture, but there could be a vote on both of those amendments?

Mr. REID. Mr. President, I have said earlier that we had to file cloture on the initial amendment of Senator JIM WEBB, which was an amendment that simply called for the proper rotation of our troops: 15 months in country, 15 months out of country. We wanted the Senate to speak its will on that with a simple majority, and we were unable to get it. We feel the same way about Levin-Reed. It is a very important policy decision this Senate needs to make. Not to change—I don't know what Cornyn is, but I am sure it is something that is much different than Levin-Reed. Therefore, if there is a suggestion that I amend my unanimous consent request to have some side-by-side, 60-vote margins, I would object to that. I believe we should have in that instance an up-or-down vote. I have no problem giving Senator CORNYN a majority vote, which I think would be very appropriate. I think that is where we need to be on this issue; that is, this issue of the Defense authorization bill. It is very unusual to have on the Defense authorization bill, even issues dealing with Iraq—in times passed, we haven't had a 60-vote margin.

So I would not accept my friend's suggestion that there be side by sides. I renew my request that there be a time for an up-or-down vote on the Levin-Reed amendment. I have suggested 6 hours.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Yes, Mr. President, unfortunately, under that circumstance, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. REID. Mr. President, I want to express my apology to my friends because I held them up for a few minutes on their being able to speak. I apologize for that, but they do have a full hour.

Mr. President, my worst fears on this bill, the Defense authorization bill, have been realized. We have just seen the Republican leadership again resort to this technical maneuver to block progress on this crucial amendment. It would be one thing for the minority to vote against this bill. If they honestly believe that ''stay the course'' is the right strategy, they have the right to vote no. Now Republicans are using a filibuster to block us from even voting on the amendment that could bring this war to a responsible end. They are blocking this like they did the Webb amendment. They are protecting the President rather than protecting our troops by denying us an up-or-down, yes-or-no vote on the most important issue our country faces.

So I say through you to my Democratic and Republican colleagues that we are going to work on this amendment until we get an up-or-down vote on it. If that means staying in session—we have no votes, of course, tonight, but if it means staying in session all day tomorrow and all tomorrow night, that is what we will have to do. I will file cloture so that we can have a Wednesday vote, if this continues. I certainly hope during the next few hours and tomorrow that we will have a change of mind so we can have a vote and then move on to the other amendments. The American people deserve an honest debate on this war and deserve an up-or-down vote on this amendment which we believe will bring a responsible end to this intractable war in Iraq.

UNANIMOUS-CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, I have another unanimous-consent request, and this is the one I tried to offer earlier. I ask unanimous consent that if the House further amends H.R. 1 with the text of H.R. 1401 and requests a conference with the Senate, the Senate agree to the request and appoint the same conferees which the Senate has already appointed to H.R. 1.

The ACTING PRESIDENT pro tempore. Is there objection?

The PRESIDING OFFICER (Mr. SALAZAR). Is there objection?

Mr. KYL. Reserving the right to object, we have already agreed to the previous consent to go to conference on the 9/11 Commission legislation. We have named conferees on the part of the Senate.

As I understand it, the House wants to add a new bill to the conference, which includes provisions that were not included in either Chambers' 9/11 bill. I am not familiar with all the provisions of H.R. 1401, but I know the Senate has not acted on that bill, and we don't believe it was part of the 9/11 Commission recommendations.

Having said that, we need to object to this request at this time.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Arizona is recognized.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, I understand there has been an informal agreement that I would have up to 15 minutes, and Senator FEINSTEIN would then have 30 minutes. I would like to propound this as a unanimous consent agreement and also add that Senator ALLARD speak after that; that if there is time remaining from the time Senator ALLARD and I have of the 30 minutes, that be reserved for any other Republican Senator who may wish to speak.

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

DETAINEES IN IRAQ AND AFGHANISTAN

Mr. KYL. Mr. President, I wish to address a subject that I hope we will be able to address soon and that is an amendment that Senator GRAHAM of South Carolina has filed and, hopefully, we will debate soon. It relates to conditions that have been placed in the underlying bill, relating to the treatment of detainees captured in Afghanistan and Iraq.

I urge my colleagues to think very carefully about the damage that would

be brought on the global war against terrorists and future wars that we may have to fight if we go forward with the language that is in the bill, specifically in section 1023 of the bill. That essentially would return us to a law enforcement approach to terrorists that, frankly, failed us before 9/11 and, once Osama bin Laden and others declared war on us, would obviously not work in the post-9/11 context.

Senator GRAHAM's amendment strikes these harmful provisions in the bill and would replace them with commonsense measures to provide a more fair process in dealing with detainees at Guantanamo. I remind my colleagues for a moment about the nature of these terrorists whom we are talking about, and then I will go through specific provisions of the bill that need to be removed—specifically three: a requirement that al-Qaida terrorists held in Iraq and Afghanistan be given lawyers; the authorization to demands discovery and compel testimony from servicemembers; and the requirement that al-Qaida and Taliban detainees be provided access to classified evidence.

To review the nature of the detainees that we are holding, not just at Guantanamo Bay but also in Iraq and Afghanistan, these are not nice people. At least 30 of the detainees released from Guantanamo Bay have since returned to waging war against the United States and our allies; 12 of these released detainees have been killed in battle by U.S. forces and others have been recaptured; two released detainees became regional commanders for Taliban forces; one released detainee attacked U.S. and allied soldiers in Afghanistan, killing three Afghan soldiers; one released detainee killed an Afghan judge; one released detainee led a terrorist attack on a hotel in Pakistan and a kidnapping raid that resulted in the death of a Chinese civilian, and this former detainee recently told Pakistani journalists he planned to ''fight America and its allies until the very end.''

The provisions of section 1023 would make it very difficult, if not impossible, for the United States to detain these committed terrorists who have been captured while waging war against us. No nation has, in the history of armed conflict, imposed the kinds of limits that the bill would impose on its ability to detain enemy war prisoners. War prisoners released in the middle of an ongoing conflict, such as members of al-Qaida, will return to waging war. We have already seen this happen 30 times with detainees released from Guantanamo Bay. If section 1023 of the bill is enacted into law, we could expect that number to increase sharply. If section 1023 is enacted, we should expect that more civilians and Afghans and Iraqi soldiers will be killed, and it may be inevitable that our own soldiers will be injured or killed by such released terrorists. This is a price our Nation should not be forced to bear.

Let me talk first about the requirement in the bill that al-Qaida terrorists held in Iraq and Afghanistan must be provided with lawyers. This cannot be executed. It would require the release of detainees. Here is why: The Defense bill requires that counsel be provided and trials be conducted for all unlawful enemy combatants held by the United States, including, for example, al-Qaida members captured and detained in Iraq and Afghanistan if they are held for 2 years. We hold approximately 800 prisoners in Afghanistan and tens of thousands in Iraq. None of them are lawful combatants and all would arguably be entitled to a trial and a lawyer under the bill. Such a provision would at least require a military judge, a prosecutor, and a defense attorney, as well as other legal professionals.

That scheme is not realistic. The entire Army JAG Corps only consists of approximately 1,500 officers, and each is busy with their current duties. Moreover, under the bill, each detainee would be permitted to retain a private or volunteer counsel. Our agreements with the Iraqi Government bar the United States from transferring Iraqi detainees out of Iraq. As a result, the bill would require the United States to train and transport and house and protect potentially thousands, or even tens of thousands, of private lawyers in the middle of a war zone during ongoing hostilities. That is impossible.

That proposal is half baked at best. It would likely force the United States to release thousands of enemy combatants in Iraq, giving them the ability to resume waging war against the United States. Obviously, this would tie up our military. By requiring a trial for each detainee, this provision would also require U.S. soldiers to offer statements to criminal investigators, needing later to prove their case after they captured someone. They would need to carry some kind of evidence kits or combat cameras or some other method of preserving the evidence and to establish its chain of custody. They would need to spend hours after each trial writing afteraction reports, which would need to be reviewed by commanders. Valuable time would be taken away from combat operations and soldiers' rest.

It would be a bad precedent for the future. Aside from the war in Iraq, this provision would make fighting a major war in the future simply impossible. Consider this: During World War II, the United States detained over 2 million enemy war prisoners. It would have been impossible for the United States to have conducted a trial and provided counsel to 2 million captured enemy combatants. So the bottom line is that the bill, as written, would likely be impossible to implement in Iraq and, in the context of past wars, it is patently absurd.

The second point is authorizing al-Qaida detainees to demand discovery and compel testimony from American soldiers. The underlying bill would actually authorize unlawful enemy combatants, including al-Qaida detained in Iraq and Afghanistan, to demand discovery and could compel testimony from witnesses as we do in our criminal courts in the United States. The witnesses would be the U.S. soldiers who captured the prisoner. Under this bill, an American soldier could literally be recalled from his unit at the whim of an al-Qaida terrorist in order to be cross-examined by a judge or that terrorist.

Newspaper columnist Stewart Taylor describes the questions that such a right would raise:

> Should a Marine sergeant be pulled out of combat in Afghanistan to testify at a detention hearing about when, where, how, and why he had captured the detainee? What if the northern alliance or some other ally made the capture? Should the military be ordered to deliver high-level al-Qaida prisoners to be cross-examined by other detainees and their lawyers?

The questions abound. As the Supreme Court observed in Johnson v. Eisenstrager, which is the law on this subject:

> It would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him to account in his own civil court and divert his efforts and attention from the military offensive abroad to the legal defensive at home.

That is what the U.S. Supreme Court said in World War II when a similar issue was raised. It would be difficult to conceive of a process that would be more insulting to our soldiers. In addition, many al-Qaida members who were captured in Afghanistan were captured by special operators whose identities are kept secret for obvious reasons. This would force them to reveal themselves to al-Qaida members, therefore exposing themselves or to simply forgo the prosecution of the individual, which is more likely what would happen.

Clearly, Americans should not be subject to subpoena by al-Qaida. That brings me to the last point—the requirement that al-Qaida and Taliban detainees be provided with access to classified evidence. The bill requires that detainees be provided with ''a sufficiently specific substitute of classified evidence'' and that detainees' private lawyers be given access to all relevant classified evidence.

Foreign and domestic intelligence agencies are already very hesitant to divulge classified evidence to the CSRT hearings we currently conduct. These are part of the internal and nonadversarial military process today. Intelligence agencies will inevitably refuse to provide sensitive evidence to detainees and their lawyers. They will not risk compromising such information for the sake of detaining an individual terrorist.

In addition, the United States already has tenuous relations with some of the foreign governments, particularly in the Middle East, that have

been our best sources of intelligence about al-Qaida. If we give detainees a legal right to access such information, these foreign governments may simply shut off all further supply of information to the United States. These governments will not want to compromise their evidence or expose the fact that they cooperated with the United States. By exposing our cooperation with these governments, the bill perversely applies a sort of ''stop snitching'' policy toward our Middle Eastern allies, which is likely to be as effective as when applied to criminal street gangs in the United States.

A final point on this: We already know from hard experience that providing classified and other sensitive information to al-Qaida members is a bad idea. During the 1995 Federal prosecution in New York of the ''Blind Sheikh,'' Omar Rahman, prosecutors turned over the names of 200 unindicted coconspirators to the defense. The prosecutors were required to do so under the civilian criminal justice system of discovery rules, which require that large amounts of evidence be turned over to the defense. The judge warned the defense that the information could only be used to prepare for trial and not for other purposes. Nevertheless, within 10 days of being turned over to the defense, the information found its way to Sudan and into the hands of Osama bin Laden. U.S. District Judge Michael Mukasey, who presided over the case, explained, ''That list was in downtown Khartoum within 10 days, and bin Laden was aware within 10 days that the Government was on his trail.''

That is what happens when you provide classified information in this context.

In another case tried in the civilian criminal justice system, testimony about the use of cell phones tipped off terrorists as to how the Government was monitoring their networks. According to the judge, ''There was a piece of innocuous testimony about the delivery of a battery for a cell phone.'' This testimony alerted terrorists to Government surveillance and, as a result, their communication network shut down within days and intelligence was lost to the Government forever—intelligence that might have prevented who knows what.

This bill—this particular section of the bill repeats the mistakes of the past. Treating the war with al-Qaida similar to a criminal justice investigation would force the United States to choose between compromising information that could be used to prevent future terrorist attacks and letting captured terrorists go free. This is not a choice that our Nation should be required to make.

I will talk more about some provisions that Senator GRAHAM would like to substitute for these provisions that provide a more fair process for detainees held at Guantanamo Bay—a process that would enable them to have greater benefit of the use of counsel and of evidence in their CSRT hearings.

I will wait until he actually offers that amendment to get into detail. But the point is, we have bent over backward to provide the detainees at Guantanamo the ability to contest their detention and to have that detention reviewed and eventually have it reviewed in U.S. courts. That is a very fair system, more fair than has ever been provided by any other nation under similar circumstances and more than the Constitution requires. So we are treating the people we captured and are holding at Guantanamo in a very fair way.

What we cannot do is take those same kinds of protections and apply them to anybody we capture in a foreign theater who is held in a foreign theater and therefore is not, under current circumstances—and never has been in the history of warfare—subject to the criminal justice system of our country. To take that system and try to transport it to the fields of Afghanistan or Iraq would obviously be not only a breaking of historical precedent but a very bad idea for all of the reasons I just indicated.

I ask my colleagues to give very careful consideration to the dangerous return to the pre-9/11 notion of terrorism as a law enforcement problem that is inherent in section 1023 of the bill. The terrorists have made no secret that they are actually at war with us, and we ignore this point at our peril.

I conclude by reminding my colleagues that the Statement of Administration Policy on this bill indicates that the President would be advised to veto it if these provisions remained. Therefore, I urge my colleagues, when the opportunity is presented, to join me in striking the provisions of the bill, not only as representing good policy but to help us ensure that at the end of the day, there will be a bill signed by the President called the Defense authorization bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have a half hour to speak in morning business. Prior to doing so, I wish to give a brief rejoinder to my colleague from Arizona on some of the comments he just made.

It is my understanding that the underlying Defense Authorization Act has several provisions that are necessary to address shortcomings in the legal process for individuals detained on the battlefield. One of these provisions limits the use of coerced testimony obtained through cruel, inhumane, or degrading treatment. Such testimony is immoral, and this provision is necessary if we are to obtain and use accurate information.

Another provision provides for reasonable counsel and the ability to present relevant information to detainees who have been held for 2 or more years. This is necessary in a war of undetermined duration.

Finally, the bill does not provide classified information to a detainee. It provides for a summary that is intended to be unclassified to the counsel for detainees.

One of the things that might help is if, on line 16, page 305, subsection II, the word ''unclassified'' was added before the word ''summary'' on that line. I believe that is the intent.

GUANTANAMO BAY

Mrs. FEINSTEIN. Mr. President, many in this body and people all over the world watched as America, 5½ years ago, began to arrest, apprehend, and incarcerate detainees. Some were real terrorists, some were conspirators, and some were simply in the wrong place at the wrong time. We watched as Camp X-Ray was built at the naval base at Guantanamo, and we have seen the development of a different and lesser standard of American justice developed for proceedings at that base. Since that time, Guantanamo has been derided as a blight on human rights values and as a stain on American justice worldwide.

I believe the time has come to close Guantanamo. An amendment I have filed with Senator HARKIN—Senator HARKIN is my main cosponsor—and Senator HAGEL would do exactly that. It is cosponsored by Senators DODD, CLINTON, BROWN, BINGAMAN, KENNEDY, WHITEHOUSE, OBAMA, DURBIN, BYRD, yourself, Mr. President, Senator SALAZAR, SENATORS FEINGOLD, BOXER, and BIDEN.

It is my understanding that the Republican side has refused us a time agreement, which means we will not be allowed a vote. The amendment is not germane postcloture. So if the Republican side will not allow us a time agreement, we have, unfortunately, no way of getting a vote on this amendment.

The fact is that yesterday's New York Times editorialized that Guantanamo should be closed. That is what many people believe, and yet we cannot fully debate that issue and vote on it here. I think that is truly a shame.

I very much regret this, but Senator HARKIN, Senator HAGEL, and I wish to take some time to address this issue. I assure this body that we will not stop here, but we will find another venue in which to debate and vote on this matter.

The amendment we have proposed would require the President to close the Guantanamo detention facility within 1 year, and it provides the administration flexibility to choose the venue in which to try detainees—in military proceedings, Federal district courts, or both. The administration would choose which maximum security facilities in which to house them.

Why should we close the Guantanamo detention facility? First and foremost, this administration's decision to create Guantanamo appears to have been part of a plan to create a

sphere of limited law outside the scrutiny of American courts that would result in a lesser standard of justice.

Guantanamo is unique. It is not sovereign territory of the United States; however, under a 1903 lease, the United States exercises complete jurisdiction and control over this naval base. I believe the administration hoped to use this distinction to operate without accountability at Guantanamo.

This is revealed in a December 2001 Office of Legal Counsel memo by John Yoo of the Justice Department, who later authored the infamous torture memo. Yoo knew there was a risk that courts would reject the legal theory of unaccountability at Guantanamo, but, just as he did with his torture memo, he laid out the various arguments why his extreme views might prevail.

Let me point this out. In his memo, he says:

> Finally, the executive branch has repeatedly taken the position under various statutes that [Guantanamo] is neither part of the United States nor a possession or territory of the United States. For example, this Office [Justice] has opined that [Guantanamo] is not part of the ''United States'' for purposes of the Immigration and Naturalization Act. . . .Similarly, in 1929, the Attorney General opined that [Guantanamo] was not a ''possession'' of the United States within the meaning of certain tariff acts.

The memo concludes with this statement:

> For the foregoing reasons, we conclude that a district court cannot properly entertain an application for a writ of habeas corpus by an enemy alien detained at Guantanamo Bay Naval Base, Cuba. Because the issue has not yet been definitively resolved by the courts, however, we caution that there is some possibility that a district court would entertain such an application.

So here the administration apparently hoped to turn Guantanamo into a legal hybrid wholly under U.S. control but beyond the reach of U.S. courts.

What has happened since then? The Supreme Court rejected the administration's position in Rasul v. Bush in a 2004 ruling that American courts do have jurisdiction to hear habeas and other claims from detainees held at Guantanamo.

Following another defeat in the Supreme Court, in Hamdan v. Rumsfeld in 2006, which declared invalid the Pentagon's process for adjudicating detainees, the administration responded by pushing the passage of a new Military Commissions Act. This expressly eliminated habeas corpus rights and limited other appeals to procedure and constitutionality, leaving questions of fact or violation of law unresolvable by all Federal courts. This happens nowhere else in American law. But this Military Commissions Act went through.

There are serious questions about whether this provision will withstand a court test. On June 29, just 2 weeks ago, the U.S. Supreme Court agreed to hear two additional cases which go right to this point: Boumediene v. Bush and Al Odah v. the United States. The High Court declined to hear these cases in April but has reversed itself and granted certiorari—the first time in 60 years that it agreed to take a case after previously refusing it. From this case, we will find out whether the military commissions law, which prevents full appeals, in fact, can stand the court test.

What is the administration arguing in that case? Once again, they are trying to argue that the Constitution's protection of habeas corpus does not extend to detainees at Guantanamo because it is outside of U.S. jurisdiction.

I believe it is time to put an end to these efforts to use a legal maneuver to create a law-free zone at Guantanamo.

As Justice Kennedy emphasized in his concurring opinion in Rasul:

> Guantanamo is in every practical respect a United States territory.

So U.S. law would apply at Guantanamo whether this administration likes that or not.

The administration's efforts to create a land without law at Guantanamo has been a moral and a strategic catastrophe for the United States. The bad decision to create a separate system of justice at Guantanamo led to another mistake, and I mentioned this briefly: the Military Commissions Act. In retrospect, let's look at what that act has done:

It expands Presidential authority by giving the White House broad latitude to interpret the meaning and authority of the Geneva Conventions.

It presents vague and ambiguous definitions of torture and cruel and inhumane treatment that fail to establish clear guidelines for what is a permissible interrogation technique.

It abandons the independent judicial review process by establishing a new Court of Military Commission Review with members appointed by the Pentagon. This court has yet to be established.

It limits appeals to the U.S. Court of Appeals for the District of Columbia Circuit, which is given limited review authority. This is what will most likely be before the court very shortly.

For the first time in U.S. history, it allows coerced evidence—obtained prior to December 30, 2005—to be entered into a court record, and it revokes habeas corpus rights that allowed detainees to appeal their status before the Federal court.

Direct review is limited and habeas is eliminated by this military commissions bill.

Clearly, the military commissions bill, which passed by a vote of 65 to 34 in this House, seeks to once again set up a separate and lesser standard of justice.

Senator SPECTER and Senator LEAHY have introduced a bill to restore habeas rights to Guantanamo detainees. I hope that bill is allowed to be presented as an amendment to this bill. It is timely, it is important, and the world is watching. It should happen, and finally, it is the right thing to do.

So what have been all the consequences of this? The detention center at Guantanamo Bay has become a lightning rod for international condemnation. It draws sharp criticism from our allies and hands our enemies a potent recruiting tool. It weakens our standing in the world and makes the world a more dangerous place for our troops, who may be captured on foreign battlefields in the future.

Yet the administration fails to act, despite public comments from President Bush and top advisers that the facility should be closed. Recent news reports say there is renewed debate inside the White House over closing Guantanamo, but still nothing happens. So I believe it is up to Congress to act.

What would this amendment do? In addition to requiring the President to close Guantanamo within a year, it would prohibit the administration from transferring detainees at Guantanamo to other U.S.-controlled facilities outside the United States. It also requires the President to keep Congress informed of efforts to close the facility and transfer the detainees, and includes the specific requirement that the President report to Congress in writing within 3 months of the bill's enactment.

I believe it is critical that we act. To do nothing, to leave Guantanamo open, as some in the administration would like, is to invite further condemnation and further risk. It will weaken our efforts to fight terrorism and it will continue to erode our standing in the world.

I recently heard Peter Bergen, a terrorism expert, on CNN. I have read his books and listened to him throughout the years. He said he and his colleagues had taken a good look at the increase in terror and he believed it would be fair to assert that our presence in Iraq has served to increase terrorists by sevenfold—by 700 percent over what the world of terrorists was before Iraq and today.

The simple fact remains that Guantanamo violates our values and our traditions, including respect for the rule of law and for human rights.

In avoiding the full weight of American justice, Guantanamo has shocked the conscience of the world. It has led the men and women who have worn the uniform, including many retired flag officers, to speak out. A dozen former generals and admirals warned in January of 2005 that the interrogation techniques allowed at Guantanamo and elsewhere had:

> . . . fostered greater animosity toward the United States, undermined our intelligence gathering efforts, and added to the risks facing our troops around the world.

Among those who commented were GEN John Shalikashvili, former Chairman of the Joint Chiefs; GEN Merrill McPeak, former Air Force Chief of Staff; Marine GEN Joseph Hoar, a former commander of the U.S. Central Command; and RADM Dan Guter, a former Navy judge advocate general.

Earlier this year, a very respected retired Marine Corps general, by the

name of James Jones, the former Supreme Allied Commander in Europe, said:

> I would close the prison tomorrow. I would do it immediately. Just the images alone have hurt our national reputation. I don't know how you fix that without closing it.

I agree with him. I don't know how you begin to fix the damage brought by Guantanamo without closing it. A military commissions bill couldn't do it. We can't do it, and that is the fact.

Former Secretary of State Colin Powell said it succinctly:

> I would close it not tomorrow, but this afternoon.

But importantly, the sense of conscience, as well as a measure of the international reaction to Guantanamo, came in a statement by Archbishop Desmond Tutu. Here is what he said:

> I never imagined I would live to see the day when the United States and its satellites would use precisely the same arguments that the apartheid government used for detention without trial. It is disgraceful.

In May of 2006, President Bush told German television:

> I would very much like to end Guantanamo. I would very much like to get people to a court.

Earlier this year, Defense Secretary Bob Gates, new to his job, made clear that he also wanted Guantanamo closed. He said:

> There is no question in my mind that Guantanamo and some of the abuses that have taken place in Iraq have negatively impacted the reputation of the United States.

He said that at the Munich Conference on Security Policy earlier this year. On February 27, following an Appropriations Committee meeting, I personally asked him what he thought, and he said, equally as succinctly as General Powell, that he thought it should be closed.

The following month Secretary Gates told the House Defense Appropriations Subcommittee that trials at Guantanamo would lack credibility in the eyes of the world. In March, Secretary of State Condoleezza Rice said:

> The President has been very clear, and he is clear to us all the time. He would like to see it closed. We all would.

Well, then why is the Republican side preventing us from having a vote today or tomorrow or the next day that would say that Guantanamo should be closed within a year? How can the Secretary of Defense, the President of the United States, the Secretary of State make these comments that they want Guantanamo closed and the Republican side of the aisle prevent us from taking a vote in the Congress? I don't understand this.

Additional fallout from the Military Commissions Act is that it has stymied further trials under its auspices. Two military judges recently found that the detainees have been incorrectly classified as ''enemy combatants'' rather than as ''unlawful enemy combatants.'' So that is another hitch in this. They have classified people wrongly so they can't be tried.

Recently, a lieutenant colonel, who was part of this process from an intelligence point of view, in an affidavit has stated that even this classification was based on vague and incomplete intelligence. Lieutenant Colonel Abraham also said tribunal members were pressured by their superiors to rule against detainees, often without specific evidence, and that military prosecutors were given ''generic'' material that did not hold up in the face of the most basic legal challenges.

Now, let me be clear: I have no sympathy for Taliban fighters, al-Qaida terrorists, or anyone else out to hurt the United States, or commit cowardly and despicable acts of terror. There is nothing in this amendment that puts terrorists back on the street. That is not the goal. Any argument that this amendment would harm national security is flat out false.

I believe what harms national security is sacrificing our Nation's values—which have made us rightly the greatest democracy in the world—by setting up a hybrid system of justice, by not following the Uniform Code of Military Justice, but by creating this hybrid system, which has failed court tests now and will quite possibly fail another one shortly.

Now, how do you stop all this? As long as you have this extraterritorial facility out there, without the light of day shining on it, you can't. Today, two of our colleagues are visiting Guantanamo. Unfortunately, I couldn't go with them. The last time I visited Guantanamo was with Secretary Rumsfeld, rather early on, and I suspect what they will find is a rather well-run, strong, staunch military prison. But that doesn't mean the justice that is dispensed there is correct if it is secondary justice, if it is sublevel justice, if there is limited right of appeal, if you don't have access to an attorney easily, if you can't see evidence against you.

One can say, well, Guantanamo is no Abu Ghraib, and I would most likely agree with that—today. There have been allegations of inappropriate behavior in terms of interrogation techniques, no question about that. I assume that is corrected now. But it still looms out there as a way the United States has of not allowing these prisoners to face justice. It is one thing if you are a terrorist; it is another thing if you are in the wrong place at the wrong time, if you are swept up, if you are put in either a cage or a cell at Guantanamo, and if you stay there year after year after year with no recourse. That is a stain on American justice. We criticize the Chinese for their form of administrative detention, and yet here we practice a similar thing.

We face a serious, long-term terrorist threat. It may well go on for the next 10 or even 20 years. We must track down, punish, and prosecute those who seek to hurt this country and hurt our people. At the same time, we need national policies that are both tough and smart, and this isn't smart. We will fight terror with vigor and drive and purpose, but we must not forget who we are. We are a nation of laws. We are a nation of value and tradition. These values have been admired throughout the decades all over the world.

The world has looked at Guantanamo and made the judgment that it is wrong. I think it is time for the Senate to do something about it. The Senate has borne the burden of Guantanamo for too long. The time has come to close it down. I appeal to the other side to allow the debate on the floor and to give us a unanimous consent time agreement so that there might be a vote in this body.

Mr. President, I yield the floor.

IRAQ

Mr. ALLARD. Mr. President, I rise today reflecting on the most pressing issues on the minds of the American public—that of the current situation in Iraq. We have been in Iraq for nearly 4½ years, and frustration is certainly understandable. I wish nothing more than to see the United States reach a point where our soldiers and sailors and airmen and marines are able to leave and the Iraqi people can stand on their own. Our military has done an exceptional job. That point cannot be debated. But as so many have said, victory and ultimate success in Iraq cannot be completed solely through military strength.

I wish also to specifically point out the leadership of the ranking member of the Senate Armed Services Committee, Senator JOHN MCCAIN, on this issue. Having just returned from Iraq, his pointed remarks on our united efforts in Iraq and the importance of our mission are much needed.

Senator MCCAIN understands, as I do, that the terrorist threat in Iraq will not stop, nor will our safety improve at home if our forces leave. In their own words, these dangerous ideologues continue to make bold and alarming threats worldwide, but even more importantly, they are backing up their words with action. They will continue to strike our allies in the gulf and they will continue to strike our friends in Europe, and I believe they will not hesitate to strike America again, as they did on September 11.

That said, I am extremely disappointed that more progress has not been made on the political and domestic security from within Iraq. The fact remains, Iraq is simply not ready to take over their own country today, and if the United States were to leave, the consequences would be nothing short of catastrophic. Al-Qaida is training, operating, and carrying out their missions in Iraq right now. As evidenced in Britain 2 weeks ago, they are clearly still a threat and are still determined to accomplish their goals of destroying western culture. That much has not changed.

On July 12 the President issued a report as required by the fiscal year 2007 Supplemental Appropriations bill assessing the progress of the sovereign government of Iraq's performance in achieving the benchmarks detailed in the bill. As we know, this report told us that 8 of the 18 benchmarks detailed in that bill received satisfactory marks. While we are certainly disappointed that more benchmarks were not achieved, it is important to highlight the success that is being made, and how the Iraqi government is performing, as their success will ultimately allow us to responsibly reduce our troop levels.

Specifically, the government of Iraq has made progress in forming a Constitutional Review Committee to review the constitution. This is important, just like in our Nation's history; we needed to create a constitution that provided a standard for which to base our laws. Though many contentious issues continue to exist, I am pleased that significant progress is being made. If Iraq cannot form their constitution, then it will be very difficult or impossible to move forward onto other matters.

Also, the Iraqis have satisfied the requirements set forth to enact and implement legislation forming semi-autonomous regions. This law is set to come into effect in 18 months, but thus far this potentially very contentious issue has not received much attention. This is important as it further organizes and equips Iraq to take on the responsibilities of a democratic government and this benchmark furthers the necessary groundwork needed to build a responsible and legitimate government.

Iraq has made progress to ensure the rights of minor political parties within the legislature and maintain that their rights are protected. Clearly this is important in obtaining legitimacy, particularly given the historical and present conflicts between the Sunnis, Shia, and Kurds.

On the security front, the Iraqis, with coalition support, have successfully reached benchmarks establishing joint security stations across Baghdad that provide a continuous security presence. These stations are necessary as they can effectively combine American technology and capabilities with the Iraqi presence on the ground in order to counter insurgent threats where they begin. By mid-June, 32 joint security stations have reached initial operational capability and 36 combat outposts have reached initial or full capacity.

Also, the goal of providing three trained and ready Iraqi brigades in support of Baghdad operations has been achieved and this complements the recommendations of the Iraq Study Group. Certainly this is a major priority as the development of a functional and effective Iraqi fighting and security force is absolutely essential for the Iraqis to further take the reins of their government, and I am pleased that these goals are being accomplished thus far.

At the beginning of this year, the President changed the focus of this effort. Decisions were made for a new direction. ADM William Fallon was placed in charge as CENTCOM commander and the Senate unanimously confirmed GEN David Petraeus as the new commander of our forces in Iraq. The much talked about, and much criticized, surge of 28,000 additional troops has only been underway for just about 3 weeks now.

Operation Phantom Thunder began on June 15 and already Iraq, and particularly Baghdad, is a much different place than it was only 6 months ago. U.S. forces have begun working closely with Iraqis to bring down sectarian violence of al-Qaida in country. So far the new counterinsurgency has decreased Shiite death squad activity and many militia leaders have been disposed of. Execution levels are at the lowest point in a year, and al-Qaida hotspots in the city are shrinking and becoming isolated from one another and supply lines are being cut around the city.

For the first time in years the U.S. is operating freely in eastern Baghdad as we are surrounding the villages and small towns around Baghdad routing out insurgent bases. Already, total car bombings and suicide attacks are down in May and June, and by the end of June, American troops controlled about 42 percent of the city's neighborhoods, up from 19 percent in April.

Initial military success certainly does not mean that operations are complete, nor is political victory guaranteed. The fact remains that this body unanimously confirmed GEN Petraeus with the knowledge that he planned to initiate this surge that would ideally route out al-Qaida and ultimately clear the path for internal change within Iraq. Again, the surge began on June 15 and we owe it to our troops who are placing their lives on the line not to pull the plug on them while they remain in harm's way.

Our best and brightest military minds have worked to construct this new strategy and we need to see it through. I would like to see our troops come home today, but the harsh reality remains that this is not a valid option, will not make us safer, and is not in our national interest. If we leave, it is naïve to think al-Qaida and our enemies will just go away and we will no longer be threatened.

Additionally, I have heard many of my colleagues discuss on the floor some of their new strategies in Iraq, strategies that I believe would weaken us at home and abroad. What I find curious is that they keep referring to finding a bipartisan resolution in Iraq, when only months ago this body overwhelmingly approved 2 new military commanders in the region and a new diplomatic leader in Ambassador Crocker. We also approved, in a bipartisan manner, the new way forward in Iraq that President Bush eloquently defended this morning. In that vote, this body committed that we would allow the surge to go forward and would give GEN Petraeus the time to enact the strategy. I cannot in good conscience cut short a plan barely 3 months old.

As we all know, in September a complete review of Iraq policy, including a detailed assessment of the surge will be presented. I look forward to that assessment. I look forward to making the appropriate decisions based on that report. It would be disingenuous to simply discontinue the plans that our military leaders have planned and are putting into place simply for political gains.

Remarkably, the Senate is in a similar situation that we were only months ago when many in this body wanted to reject the strategy GEN Petraeus proposed in Iraq, even before he has been given the full opportunity to perform his mission. Well, we are at it again. For what reason did my colleagues agree to the new strategy in Iraq but are not willing to support our own self-imposed guidelines? I don't know the answer to that, but I do know that I will not. I will continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq—and plead with my colleagues to do the same.

Let's not stand here this week and prejudge what will come out of the September 15 report, but more importantly, let's not prejudge the talents of our men and women in Iraq. Let's give our military and diplomatic teams the time they deserve, and which we had promised them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of United States forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Cornyn amendment No. 2100 (to amendment No. 2011), to express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists.

Mr. LEVIN. Parliamentary inquiry: What is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Levin amendment No. 2087.

Mr. LEVIN. I ask unanimous consent that the Senator from Oregon be recognized as in morning business for 15 minutes.

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

Mr. LEVIN. I then ask unanimous consent that the Republican leader be recognized, and then following his statement, which we expect to be about 10 minutes, Senator DURBIN be recognized, and then the Senator from Colorado, Mr. SALAZAR, after Senator DURBIN; I further ask unanimous consent that if a Republican wishes to speak in between Senators DURBIN and SALAZAR, that Republican be recognized.

Mr. WARNER. Reserving the right to object.

Mr. LEVIN. I thought it was going to be a morning business UC, but we have protected a Republican speaking in between Senators DURBIN and SALAZAR.

Mr. WARNER. What is the order?

Mr. LEVIN. The order would be that Senator WYDEN would speak in morning business, then Senator MCCONNELL, and then Senator DURBIN, then if there is a Republican, and then to Senator SALAZAR.

Mr. WARNER. Would we have the benefit of an important discussion on your amendment?

Mr. LEVIN. Well, it is the pending amendment. Those who want to speak on the amendment would be free to do so. Hopefully, there will be many people speaking on it because we should have an opportunity before Wednesday.

Mr. WARNER. I wish to address it, but as a matter of courtesy—we have been at this for 29 years—I am going to wait until you speak, and then I will speak.

Mr. LEVIN. I have a number of things to say on the amendment, and the things I wish to say in depth I will maybe save until tomorrow. I would not want to speak without your being here.

Mr. WARNER. We have been here many years together. We manage, even though we oppose each other. But I do oppose you on this one, my dear friend.

Mr. LEVIN. I feel similarly about your amendment. I think both would enjoy being here when the other speaks. We can arrange that. We have been arranging this for 28 years. We will continue to arrange it.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

The Senator from Oregon.

HEALTH CARE

Mr. WYDEN. Mr. President and colleagues, there are two truly critical issues for our country. You hear it every time you have a town meeting, every time a Senator is home. One of those issues is changing course in Iraq. The second issue is fixing health care in America.

The Senate is going to spend long hours on the floor of the Senate this week, hopefully, changing course in Iraq, making a fundamental shift of the policy, where the Senate would come together on a bipartisan basis. I wish to spend a bit of time this afternoon talking about the long hours that are ahead for members of the Senate Finance Committee in a critical part of the effort to fix American health care.

Over the last several months, four members, a bipartisan group in the Senate Finance Committee—Senators BAUCUS and GRASSLEY and ROCKEFELLER and HATCH—have toiled hard to better meet the health care needs of this country's youngsters.

It is a moral blot on our Nation that millions and millions of our kids go to bed at night without decent health care. This legislation is part of an effort to erase that moral blot—an unconscionable fact of American life that so many kids are scarred by the inability to get decent, good-quality, affordable health care.

In recent days, the Bush Administration has indicated they are considering vetoing this legislation. As one who has worked very extensively with the Bush Administration on health care issues, it is my hope they will join the effort, the bipartisan effort in the Senate, to try to work this legislation out and to do it in a bipartisan way. In fact, I think it is absolutely critical that it be done if there is to be another bipartisan effort in this Congress that would attack health care needs in this country on a broader basis.

Senator BENNETT and I, as the distinguished Presiding Officer, the Senator from Colorado, is aware, have brought to the Senate the first bipartisan health care overhaul bill in more than 13 years. It has brought together business organizations and labor organizations. It has put us in a position, for the first time in more than a decade, to look on a bipartisan basis at overhauling American health care. But to do it, we are first going to have to address the immediate needs of this country's kids. In fact, as part of the budget process, I was able to add legislation to indicate that those critical needs of this country's children would be added first.

Now, I would be the first to acknowledge there is a connection between the children's health care program and the broader health needs of our citizens. The fact is, most kids in America get health care through private coverage through their parents. Those who are on the CHIP program—the Children's Health Insurance Program—many of them get coverage through the private sector as well, through private policies.

But we are going to have to find common ground if we are to fix American health care. Democrats and Republicans on the Finance Committee have tried to do that on the CHIP legislation. As the Presiding Officer, the distinguished Senator from Colorado, knows, there are a great many Democrats who would like to spend more than this compromise effort would allow. We would like to look at allocating $50 billion for the needs of America's youngsters. The bipartisan compromise—as part of the cooperative effort of Senator BAUCUS and Senator GRASSLEY and Senator ROCKEFELLER and Senator HATCH—is talking about $35 billion. That is pretty hard for some on our side of the aisle to swallow.

Also, with respect to the extent of coverage, a number of Members on this side of the aisle had been concerned about other groups of citizens who have not been able to get good-quality, affordable coverage, and they have been able to get benefits under existing services offered by the children's health program because the Bush administration allowed for special waivers. So what the compromise is seeking to do is to say: All right, if it has been allowed under a waiver program, let's not point the finger at anybody. Let's say those waivers, in effect, would be grandfathered. They would be protected. But then we will move on, and we would move on in a bipartisan kind of way.

I will tell my colleague, the Presiding Officer—because he and I have spoken about health care often—we know what needs to be done in American health care. We are spending enough money, certainly. This year, we will spend $2.3 trillion. There are 300 million of us. If you divide 300 million into $2.3 trillion, you could go out and hire a doctor for every seven families in the United States. We are spending enough money on health care; we are just not spending it in the right places.

We also know—because Senator BENNETT and I have talked to a great many on both sides of the aisle—there is a real prospect for an ideological truce here on the health care issue in the Senate.

A great many Republicans, to their credit, are acknowledging now, for the first time, that to fix American health care you have to cover everybody because if you do not cover everybody, those who are uninsured shift their bills to the insured. A great many Democrats, also to their credit, have been willing to acknowledge that just turning all this over to Government—having a Government-run health care

program—is not going to work politically either, that it is going to be essential to have a private sector in American health care that works. It would be a reformed one. Private insurance companies could not cherry-pick any longer, they could not take just healthy people and send sick people over to Government programs more fragile than they are, but that there would be a real private sector.

So in addition to spending enough money and in addition to something of an ideological truce now on health care between Democrats and Republicans, for the first time—I particularly want to credit my colleague from Utah, Senator BENNETT, for working closely with me on this part of the effort—I think we can show people who have coverage why it is in their interest to be for reform. Certainly, here in the Senate we know that past efforts—particularly in 1993, during the debate about the Clinton plan, the single biggest barrier was convincing people who had coverage why it would be in their interest to support reform.

What we have been able to do, on a bipartisan basis—Senator BENNETT and I working together is to come up with an approach that will show people who have coverage—workers and employers—why it will work for them with the very first paychecks that are issued under our legislation, the Healthy Americans Act. Not in 5 years, not in 8 years, not sometime down the road, but it will work for those who have coverage—workers and employers—with the very first paychecks that are issued when this legislation becomes law. The reason it would benefit those workers and employers is they would have more cash in their pocket. The workers would have more choices for the health care that was available to them. They would certainly have more security—health care that could never ever be taken away.

My hope is that we can have a cooperative, bipartisan effort on the CHIP legislation, starting tomorrow night. As my friend from Colorado, the Presiding Officer, knows, we will have a late markup. Democrats and Republicans on the committee want to work together. We want to work with the Administration. I hope the Administration will join us in that effort.

I would also suggest that if that happens, we can go on to the broader health care issue, where there are a number of areas where the Administration seeks reform. I want to assure them I am interested in working with them. For example, the President has made the point—it is one that I share—that the Federal Tax Code as it relates to health care disproportionally favors the most wealthy and rewards inefficiency. Today, in America, if you are a high-flying CEO and you want to go out and get a designer smile plastered on your face, you can do it and write off the cost of that operation on your taxes—every dime. But if you are a hard-working woman in a furniture store in Colorado or Illinois or Oregon and your company has no plan, you get nothing out of the Tax Code. You get nothing.

So what Senator BENNETT and I seek to do is redirect those several hundred billion dollars in tax expenditures for health care to people in the middle-income brackets, the lower middle-income brackets. The Bush Administration has a different approach with respect to the Tax Code and health, but as I have said to the President personally, I think he is still onto the basic concept. This is an area where Democrats and Republicans can find common ground.

But if we are going to get, in this session, to the broader issue of health care reform—of course, a lot of people think it cannot be done; they think it will be 2009 and we will have another Presidential election before there is real reform—if we are going to deal with it in this session—and Senator BENNETT and I are pulling out all the stops to try to get broader health care reform out there this session in order to get to that broader debate—Democrats and Republicans have to come together on this crucial issue of meeting the health care needs of this country, of wiping out this moral blot on our Nation that millions of kids do not have decent health care.

That effort will start tomorrow night. This is a key time for those of us who want to reform American health care. If we can come together in this Senate—starting tomorrow night under Senators BAUCUS and GRASSLEY and HATCH and ROCKEFELLER—my hope is we can keep that coalition together and then segue over to the broader reform where Senator BENNETT and I have brought, for the first time in more than 13 years, colleagues, a bipartisan proposal to overall American health care. It has the support of business and labor. Consumer groups have been involved in the development of it.

I am very hopeful that under the leadership of Senator REID—and I see the distinguished leader from Illinois in the Chamber—we can change course with respect to the war in Iraq but we can also change course with respect to the most pressing domestic issue of our time; that is, fixing American health care. The effort starts tomorrow night.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, would I be correct in saying this time is reserved for the distinguished Republican leader?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I do not see him present at the moment; therefore, if some other speaker, for a period of time, wishes to go forward—

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I believe the Republican leader will be here in approximately 5 minutes. I will, if the Senator from Virginia concurs, suggest the absence of a quorum and wait.

Mr. WARNER. Fine. I just wanted to accommodate any Senator who needed 5 minutes. I see none.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I know the majority leader has indicated he is going to file cloture on the Levin amendment and is setting up a cloture vote for Wednesday. It had been my hope we could have by consent set up a process by which we could put the Levin amendment in the queue with a 60-vote threshold such as we have had on virtually every Iraq amendment this week, and also a 60-vote threshold on the Cornyn amendment, which is a logical counter to the Levin amendment. As I indicated, it is my understanding the majority leader announced earlier it would be his intention to file cloture on the Levin-Reed amendment this evening. That would, as I suggested, allow for a cloture vote to occur on Wednesday of this week. As I indicated, it had been my hope we could have had the Levin amendment and the Cornyn amendment in juxtaposition by consent, both requiring 60 votes. This has been the way we have dealt with essentially every controversial Iraq amendment this year, no matter what bill it has been offered on.

AMENDMENT NO. 2241 TO AMENDMENT NO. 2211

Given the majority leader's intention to file cloture this evening on the Levin amendment, I now send an amendment to the desk and ask for its consideration.

Mr. REED. I object.

The PRESIDING OFFICER. The Presiding Officer will hold on for a second to ask a question of the Parliamentarian.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment 2241 to amendment No. 2211.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the termination of the reading of the amendment?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk read as follows:

At the end of the bill add the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that ''[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally''.

(3) The Iraq Study Group noted that ''Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world''.

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that ''a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. . . . The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.''

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that ''Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence''.

(8) The Iraq Study Group noted that ''Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons.''

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, ''Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs.''

(11) The Iraq Study Group found that ''[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Levin-Reed, et al., amendment No. 2087, to H.R. 1585, Department of Defense Authorization, 2008.

Carl Levin, Ted Kennedy, Byron L. Dorgan, Russell D. Feingold, B.A. Mikulski, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Pat Leahy, Richard J. Durbin, Jeff Bingaman, Jack Reed, Ron Wyden, Barbara Boxer, Patty Murray, Robert Menendez, Daniel K. Akaka, Charles Schumer.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on pending amendment No. 2241 to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, Wayne Allard, Pete V. Domenici, Jim Bunning, Jeff Sessions, Chuck Grassley, C.S. Bond, Mike Crapo, Jon Kyl, Elizabeth Dole, Trent Lott, John Barrasso, James Inhofe, Lindsey Graham, Lisa Murkowski, John McCain.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, it is a shame we find ourselves in the position we are in. The sensible and logical way to set up this debate with the Levin amendment and the Cornyn amendment would have been to do it by consent with two 60-vote thresholds. This continued effort to thwart the ability of the minority to get amendments in the queue and to get them offered and voted on is not, I might say, a very effective way to legislate, because it produces a level of animosity and unity on the minority side that makes it more difficult for the majority to pass important legislation.

In addition to the Cornyn amendment, we have the Warner-Lugar proposal, which certainly deserves a vote, as does the Salazar—the occupant of the Chair—the Salazar-Alexander amendment.

I hope we could do this in an orderly way. We have been on this bill now for a week and a half. We are clearly going to be on it through the end of this week. It would be important, as we move toward disposition of this measure, to have all Senators who have important amendments have an opportunity to be heard.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I had the opportunity this morning to listen to the majority leader, HARRY REID, as I presided. He made it clear that he would be perfectly willing to allow a 50-vote majority vote on both the Levin-Reed amendment and the Cornyn amendment or the proposed McConnell amendment. I think if there is any attempt to obstruct the will of the Senate, it is by those who are suggesting that we must have a 60-vote threshold. I think Senator REID made it clear that he would be happy to entertain a limited debate and a majority vote on the Levin-Reed amendment, the Kyl amendment, or other amendments that may be appropriate on the policy in Iraq.

I also understand at this moment, under the pending unanimous consent, the Senator from Illinois is to be recognized.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Rhode Island for his hard work with the Senator from Michigan in preparing this bill on Defense authorization.

With all due respect to the minority leader, the statement he made on the floor earlier is not accurate. The Republican minority leader said, on issues relating to Iraq, we have required 60 votes. I remind the Republican minority leader that the vote on the timetable on the supplemental appropriations bill was a simple majority vote. It was not a 60-vote threshold. The most important Iraq vote of the year did not require 60 votes on the floor of the Senate. It passed the Senate with a bipartisan rollcall, with 51 or 52 Members supporting it, and it was sent to President Bush for one of his only three vetoes since he was elected President. I am sure the minority leader from Kentucky remembers that it was not a 60-vote requirement.

Now, let's look at the Defense authorization bill here—at the history of the Defense authorization bill. Once again, I ask the minority leader from Kentucky to please look at the record. What he said earlier on the floor is not accurate.

In the last debate on the Defense authorization bill, there were two Iraq amendments offered. One was by Senators LEVIN and REED and another by Senator KERRY. Both related to the war in Iraq, and both required only a majority vote.

The Senator from Kentucky has not accurately portrayed what occurred on the floor of the Senate either with our supplemental appropriations bill or the previous Defense authorization bill. Now, for those who are following this debate and wondering: Why are you worried about how many votes are required, this is what the Senate is all about. The question is, Will this Senate speak on the issue of the policy on the war in Iraq?

The Senator from Kentucky understands—because he has been a veteran of this body—that he does not have a majority of the Senators supporting his position or the position of President Bush. So he started this debate by saying we won't allow a majority vote.

It will take 60 votes—60 percent of the Senate—to change the policy on the war in Iraq. The Senator from Kentucky is betting that he can hold enough Republican Senators back from voting for a change in policy on the war in Iraq to defeat our efforts to start bringing our soldiers home. That is his procedural approach. He has stood by it. But he should confess it for what it is. It is a departure from where we have been on the debate on Iraq, on the supplemental appropriations bill, and on the Defense authorization bill.

Mr. President, it is unfortunate, and it is wrong. It is wrong to require 60 percent of this body to vote this way if, traditionally, on the war in Iraq we have required only a simple majority. I suppose it is encouraging to us that more than 60 percent of the American people get it. They understand how failed this policy has been of the Bush administration—the policy being supported by the minority leader of the Senate. They understand that. They want us to do something about it. But the Senator from Kentucky has thrown this obstacle in our path. He created this procedural roadblock. He has filibustered—starting a filibuster to stop the debate on the war in Iraq.

I have been here for a few years, and I have not seen a full-throated, fully implemented filibuster that you might have recalled from ''Mr. Smith Goes to Washington,'' when Jimmy Stewart stood at his desk, until he crumpled in exhaustion, filibustering a bill to stop it. Over the years, our gentility has led us to a different kind of filibuster. It is a filibuster in name only, where one side says we are going to keep this debate going on indefinitely, and the other side says we are going to bring it to a close with a motion for cloture, and we will see you in 30 hours; have a nice time we will see you tomorrow morning.

We are going to change that procedure this week. Since the Republican side has decided they want to filibuster our effort to debate the war policy on Iraq, we have decided on the Democratic side that we are going to have a real filibuster. One of the critics of this recently called it a stunt that we would stay in session—a stunt that we would have a sleepless night for Senators, a stunt that we would inconvenience Senators and staff, the press, and those who follow the proceedings. I don't think it is a stunt. I think it reflects the reality of this war.

How many sleepless nights have our soldiers and their families spent waiting to find out whether they will come home alive? How many sleepless nights have they spent praying that after the second and third redeployment their soldier will still have the courage and strength to beat back the enemy and come home to their family? It is about time for the Senate to spend at least one sleepless night. Maybe it is only a symbol, but it is an important symbol for the soldiers and their families. It really goes to the nature of sacrifice.

I guess I was raised as a little boy reading about World War II and remembering the Korean war when my two brothers served. There was a sense of national commitment in those wars. People back home, as well as those on the front, believed they were in it together. Sacrifices had to be made, your daily living habits, the kinds of things you could buy, and ration cards and buying U.S. savings bonds. America was one united Nation in those wars. We accepted that shared sacrifice, and we were better for it. But during this war, sad to say, this President has not summoned that same spirit of sacrifice. He basically told us that this war can be waged without inconveniencing the lives of most Americans.

Our soldiers go through more than inconvenience. They go through hardship and deprivation. Many face injury and death in serving our country. But for most of us, life goes on as normal. This President hasn't asked great sacrifice from the American people.

When I visited Iraq, it was not uncommon to have a marine or soldier say to me over lunch: Does anybody know what is going on over here? Does anybody know what we are up against? It is a legitimate question. We focus on these superficial stories in the press that don't mean a thing and forget the obvious.

The obvious is this: Every month we are losing American lives; about 100 American soldiers die each month in this war in Iraq, and 1,000 are seriously injured. We spend $12 billion each month. That is the reality.

I know there is frustration by the soldiers and their families that we are not paying close enough attention. But the American people understand that this failed policy from the Bush administration has to come to an end. Wasn't it interesting over the weekend when the Prime Minister of Iraq invited us to leave, and said: You can take off anytime you would like, America. We will take care of our own problems. Prime Minister al-Maliki, the man we helped to bring to office, whom we hoped would show the leadership in Iraq for its future, asked America to pick up and go whenever we would like to.

What do the Iraqi people think about our presence? Well, 69 percent of them say our presence in Iraq today, with our troops, makes it more dangerous to live there. More than 2 million of those soldiers, of those Iraqis, have left that country as refugees. Millions have been displaced from their homes. Thousands—we don't even know the number—have been injured and killed. They want us to leave—this occupation Army of Americans.

What do the American people think about this occupation in Iraq? They want it to end as well. They don't see any end in sight. They don't hear from this President the kinds of strategy or direction that leads them to believe that this will end well or end soon. They want our troops to start coming home. I agree with them. I don't believe the Iraqis will accept responsibility for their own country until we start leaving. If the Iraqis know that every time there is a problem, they can dial 9–1–1 and bring on 20,000 of our best and bravest soldiers to quell the violence on their streets, what kind of incentive is that for them to protect their own country and make the critical political decisions which may lead one day to stability?

I look at this Cornyn amendment just filed. I respect my colleague from Texas, but I tell you, he is asking for too much. He is asking the United States to stay in Iraq to make certain that it succeeds. How long is that going to be? How long will that go on?

There are three battles going on in Iraq today: First, who is in charge? The Sunnis, Shia, Sadr militia, al-Qaida, or some other force? The Kurds also have to be part of the equation. That battle goes on every day on the floor of the Parliament in Iraq as they try to decide who is going to try to govern their country.

There is a second battle going on as well. It is a battle as to whether Iraq is going to be a nation. The Cornyn amendment assumes, and many people assume, that Iraq has been a nation forever. It has not. Certainly, in the depths of history, you can find Mesopotamia. We all read about it in the earliest civilizations, and about the Tigris and Euphrates. But Iraq, as we know it today, was the creation of British diplomats after World War I who sat down with a map and said the French can take Lebanon, bring in the Shia and Sunni—on and on, creating countries out of whole cloth at the end of a war, dividing up the soils of the Middle East. That was the creation of Iraq as we know it. It has not been in existence that long—not one century.

Iraq has to decide whether there is more that binds them than divides them. They have to decide whether the Kurds, Sunni, and Shia of this location want to come together as a nation to share in governance, in revenue, and to share in their future. That is an ongoing debate in Iraq today.

There is a third debate in Iraq today that is even deeper in history. It is a debate between warring Islamic factions that has been going on for 14 centuries. Ever since the death of the great prophet Mohammed, Islamic people have argued over his rightful heirs—one branch of the Sunni religion of Muslims or one in the Shia—and they came to different conclusions. They have not resolved that. Often, that difference of opinion has erupted into violence, which we see today on the streets of Iraq.

So Senator CORNYN files an amendment that says the United States should stay there with its forces until they resolve these three problems: Who is going to govern, whether there will be a nation, and this Islamic division. Is that what we bargained for when the President asked us to invade Iraq? It

certainly is not. Not one of those things was included in the President's request for the authorization of force in Iraq.

Do you remember why President Bush told us we had to invade Iraq? Saddam Hussein—a tyrant killing his own people—was a threat to the region and to his own country. Saddam Hussein is gone, dug out of a hole in the ground, put on trial by his own people, and executed.

The second reason the President said we had to invade Iraq was to find and destroy weapons of mass destruction. Well, we have been looking for 4½ years, Mr. President, for weapons of mass destruction, and we cannot find one. So that reason for the invasion of American forces is long gone. And the final, of course, was to protect any threat of Iraq to America's security. I can tell you that after Saddam Hussein was deposed and dispatched quickly by our fine military, and when weapons of mass destruction were not found, Iraq was no threat to the United States.

Now comes the new Republican rationale, the Cornyn-McConnell rationale: We need to stay in Iraq until they resolve century-old battles over the Islamic religion. We need to stay in Iraq until they decide whether they want to come together as a nation. We need to stay in Iraq until the Parliament decides to roll up its sleeves and make important political decisions about their future. Just how long will that be? How many American soldiers will be called into action for those goals? How many times will Congress be called on to vote for authorization of force to reach these objectives?

They have told us what it is all about. From the point of view of the Bush administration and their supporters on the Republican side of the aisle, there is no end in sight in our occupation of Iraq. They would have us stay there for a long time. The American people know better. They understand the sacrifices we have made.

The President likes to define this in terms of victory and defeat, saying if we start bringing American troops home, somehow, in his mind, that is a defeat. I say to the President, there are several things he should consider. We were not defeated when we deposed Saddam Hussein. We were successful. We were not defeated when we scoured that country and found no weapons of mass destruction. We were successful. We were not defeated when we gave the Iraqi people a chance for the first free election in their history. We were successful. We were not defeated when they were allowed to form their own Government to plan for their own future. We were successful. We certainly have not been defeated day to day with the courage of our men and women in uniform.

I hear an argument from time to time as well: If our troops start coming home now and things go badly in Iraq, those who have served and sacrificed and even those who have died will have done so in vain. I couldn't disagree more. History has taught us a very basic lesson. The test of courage of a soldier is not to be measured by the wisdom of Presidents and generals to send them into battle. Presidents and generals make serious mistakes. They send troops into battle where they have no chance to win. But those soldiers do their duty. They show heroism, courage, and valor, and no one—no one—can take that away from them.

This political debate about the wisdom of the President's foreign policy has reached a point where we have a number of amendments on the floor. The Republican leadership has established hurdles and blockades—everything they can find—to stop us from a vote that reflects the feelings of the American people. Mr. President, you know why? They are afraid of what the American people want. They are afraid the American people may prevail. So they have dreamed up this procedural requirement of 60 votes, a requirement that did not take place on the Iraq amendments on previous Defense authorization bills, a requirement that did not take place when it came to our supplemental.

We have offered them: Let's have a majority vote. Let's speak as a Senate to this issue seriously, an up-or-down vote on our amendment, an up-or-down vote on their amendment. They rejected it. Sixty votes—they have it wired. They have it figured out. There is one thing they don't have figured out and that is how they are going to go home and explain this situation, how will these Senators go back to their States after they have told their people they are giving up on the President's policy in Iraq and explain why they didn't support the only amendment that will seriously change our policy in Iraq?

I don't think they can. They can talk about supporting other amendments. There is only one amendment by the Senator from Rhode Island, Mr. REED, and the Senator from Michigan, Mr. LEVIN, that puts a timetable to bring this war to a close that doesn't ask the President to consider our point of view but says we will use our congressional powers to require of the President a change in policy. Only one vote. Every other vote these Senators may cast, they are going to say: Oh, I told you I disagreed with the President and that is why I voted this way.

Let me tell you, they don't stand the test of scrutiny. Look carefully at those amendments. See if they require of the President a change in policy. See if they bring one American soldier safely home. If they don't, then they don't achieve the goals the American people expect of us.

Mr. WARNER. Mr. President, at some point, I would be privileged if I could enter into a colloquy with my valued friend. So at the proper juncture in his remarks, perhaps we could have a bit of a colloquy.

Mr. DURBIN. Out of great respect for the Senator from Virginia, I would like to give him that answer now.

Mr. WARNER. I thank my friend. We can have our debates, and we frequently do, on procedure, and it is very confusing, of course, to the American public. But these are old rules that go back, I might say with some sense of pride, to Thomas Jefferson. He had a hand in writing them. Somehow this magnificent institution, the Senate, has been able to serve our great Republic these 200-some-odd years.

Apart from procedure—and it seems to me I recall that at an earlier juncture in the spring when we were debating certain amendments on Iraq, the Senator from Virginia had an amendment. It got over 50 votes. It was a bipartisan amendment. That amendment, quite interesting, while it failed to reach the 60-vote margin, it was picked up by the appropriators and word for word written into the appropriations bill.

It required, among other things, that the President report on July 15. That report, I think, was of value. People can differ with it. I know it attracted a lot of attention and widespread press coverage. It was of value.

That report also set up an independent group. I consulted with my good friend, the chairman, Senator LEVIN, and told him I felt all the years we have been working together we get a lot of facts from the Pentagon about the status of Iraq's security forces. Shouldn't we have an independent group not affiliated with the Department of Defense—I am not, in any way, impugning the accuracy of their facts—have an independent group give us a second opinion.

GEN Jim Jones, former Commandant of the Marine Corps, offered to head up that group. I talked with him about it. He thought about it a long time. He decided to do it. He has about 18 individuals with military experience and two former police chiefs. They got back this weekend from a very intensive 1-week schedule studying these situations. So there is a great convergence of information that will be brought to bear and made public the first week in September.

But back to this question before us. The distinguished Republican leader put an amendment up. I would like to ask my distinguished colleague if he would cover with me the provisions and what his views are on some of the findings in the amendment.

This is a sense of the Senate on the consequences of a failed state in Iraq. Much of this material was put before the Senate a few days ago, filed by our distinguished colleague from Texas, Mr. CORNYN. Would the Senator from Illinois engage me in asking a few questions about it or is there another time he would be willing to do it?

Mr. DURBIN. No, if I may say to my colleague from Virginia, I will consider this colloquy to be in the form of a question without yielding the floor.

Mr. WARNER. Yes, of course, Mr. President.

Mr. DURBIN. Please proceed.

Mr. WARNER. For instance, the first finding:

A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

We know from experience in Afghanistan that bin Laden occupied a piece of territory there and set up his training camp. Much of the training that led to the horrific damage to our Nation, loss of life and property, occurred there—of course, September 11. Does the Senator not agree—I am curious, I would like to get some understanding of what the Senator's thoughts are on this sense of the Senate.

Mr. DURBIN. First, I wish to express my thinking and feelings about the Senator from Virginia, whom I respect very much, who served our country so well in so many capacities. He is the longest serving Senator from the State of Virginia in the history of the United States of America.

Mr. WARNER. One other, Mr. President, was a bit longer. I am No. 2, kind of like the Senator from Illinois, No. 2.

Mr. DURBIN. Second longest in the history of the State of Virginia and who has been a constructive partner in our efforts to deal with this issue of Iraq. Even before other Senators on his side of the aisle questioned, spoke out, he was there, and I respect him very much for that effort.

Mr. President, I say to the Senator from Virginia that the Levin-Reed amendment is conscious of the very first point he made, saying that even redeploying troops, we would reserve the right to use our soldiers, use our troops to stop the expansion of al-Qaida. So we are not walking away from that threat.

Al-Qaida, as the Senator from Virginia knows, were the real culprits on 9/11. They are the ones who are sworn enemies of the United States and in what we believe. I don't believe any Senator on my side, in the Levin-Reed amendment or otherwise, has suggested we would not continue to work to stop the advance of al-Qaida and its evil scheme.

Mr. WARNER. Mr. President, I think the Senator is accurate. I have studied the Levin amendment. I am opposed to it because of the fixed timetables. But let's proceed to the second one. I think we have covered the first, and I find it very helpful.

The second finding:

The Iraq Study Group report found that ''[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally.''

To me that seems to have some basis in fact. Does the Senator agree with that?

Mr. DURBIN. I say to the Senator from Virginia in response, at some point, the Iraqis have to take control of their country, their territory, and their future. It is certainly not in their best interest, if they want to develop, for example, an oil industry that is going to fuel their economy and improve the lives of the people, to allow terrorist groups to run without restraint.

So, yes, I think that is a concern they should have as a nation, and that is why the second part of the Levin-Reed amendment is so important. We reserve the right for American forces to help train and equip the Iraqi soldiers, Army, and police.

Fighting terrorism, we now see most often is a military function, but I think historically it has been a police function. Regardless of which, we reserve in the Levin-Reed amendment the right for America to continue to invest in the Iraqi Army and police force, for that very reason, so there is internal stability in Iraq, even as our combat forces are removed.

Mr. WARNER. Mr. President, I appreciate that answer. I think there is a provision—as a matter of fact, the amendment Senator LUGAR and I filed has very much the same language in it. Let's proceed to No. 3.

The Iraq Study Group noted that ''Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world.''

That concerns me. I think there is some truth to that statement.

Mr. DURBIN. The Senator from Virginia served on the Intelligence Committee, as I did for 4 years. I think he served longer. He will recall we were told by our intelligence agencies that our invasion of Iraq has led to an emergence of al-Qaida terrorism in that country. Sadly, these terrorists are taking their training by trying to kill American soldiers and those who support us.

So my feeling is that the current strategy we have been using, unfortunately, is fueling this growth in terrorism, growth in al-Qaida, the presence of all these combat troops.

I sincerely believe we have to understand that fighting al-Qaida, fighting terrorism is still a high priority. This administration was diverted from our first priority.

The Senator from Virginia may remember that after 9/11, within days, the President came to the Senate and asked us to declare war on al-Qaida and those responsible for 9/11. The vote was unanimous. Every Senator voted in favor of that request, both political parties. Those were sworn enemies of the United States who had killed 3,000 innocent people. But we lost sight of that goal. Instead of focusing on Afghanistan, the Taliban, and al-Qaida, we were diverted into Iraq.

I say to the Senator from Virginia, as we start bringing combat soldiers out of Iraq, I don't believe we should walk away from our responsibility in Afghanistan, fighting the Taliban, working on the border with Pakistan to try to make sure the growth of al-Qaida is stopped.

Mr. WARNER. Mr. President, I say to the Senator most respectfully, I know no one over here who wants to try to do a precipitous withdrawal or lessen our efforts against al-Qaida. As a matter of fact, we want to reinforce our efforts against al-Qaida. We can go back and argue the numerical presence of al-Qaida at the time we went in. I do recall that very vividly and conducted many hearings in the Armed Services Committee. Al-Qaida was not high on the scope. There was mention of it. We have to deal with the facts that exist now, and it is clear, for whatever reason, they are now in that area in significant numbers larger than when we went in. I, personally, feel it is not as a consequence of our military action thus far. They simply see the terrific divisions between the Sunni culture and the culture of the Shia, and they are trying to foment among those two venerable religious cultures as much fighting as they possibly can. I think we both have to agree, to that extent, they have been successful.

Clearly, al-Qaida has as its main goal, at such time as possible, to bring about further harm to the United States of America. There is no doubt in my mind, and I am sure there is no doubt in the mind of the Senator from Illinois. So I think anything that is portrayed as a failure of our commitment in Iraq could be utilized, as I said, for recruitment of their troops, whether in Iraq, Afghanistan or elsewhere in the world.

Mr. DURBIN. May I say to the Senator from Virginia in response that I believe—and I think the Levin-Reed amendment addresses this in section 3—we also should be thinking beyond the parameters of our current discussion about military prisons and about other nations in the region. I am sure the Senator from Virginia is going to bring that up, too, as part of it.

It strikes me at this point in time that other nations in the region interested in stability in their own countries and stability overall have not accepted or shouldered the responsibility they should. Whether it is the Arab League or some other group, they need to step forward and say that the territorial integrity of Iraq, the stability of Iraq is in the best interests of the region. I don't think they are going to do that as long as the U.S. presence is so overwhelming, as long as we are the issue. If the issue is Iraq and its future, I think it is more likely these countries will step forward, and this Levin-Reed amendment makes that point.

What we are talking about is a comprehensive strategy to deal with the future of Iraq.

Mr. WARNER. But I say, in response to my distinguished colleague, it is for that very reason the President is dispatching the Secretaries of State and Defense into that region, to bring that point very clearly, this problem which is being experienced in Iraq. And when

I say ''experienced,'' I mean devastating loss of life of Iraqi citizens, considerable loss of life of our own forces, and loss of limb. That is something which every Senator on both sides of the aisle is concerned with daily. But thus far, the bordering nations certainly have not stepped up, in my estimation, to take a constructive role. If anything, we have, in Syria and Iran, pretty convincing evidence that they are taking steps antithetical to bringing about a resolution of some sort of peace and stability in Iraq.

Mr. DURBIN. I might say, in response to the Senator from Virginia, that I don't recall the exact vote, but when Senator LIEBERMAN offered an amendment to this bill last week relating to Iran, the vote was overwhelmingly bipartisan. We agree with that. How do you contain Iran? How do you stop Iraq from becoming an Iranian client state?

There is so much we can do, but the region has to respond. The Senator from Virginia knows as well as I do that there is division within the Islamic religion and that the Sunni faction or element is the most dominant in that region and around the world.

Mr. WARNER. By far. I think it has been 90 percent——

Mr. DURBIN. An overwhelming percentage.

Mr. WARNER.—are associated with the Sunni perspective versus about 10 or less percent the Shia.

Mr. DURBIN. So it does not seem to be in the best interest of other Islamic states to see the development of a Shia force that combines Iraq and Iran. So my feeling is, again either through the United Nations, through NATO, through other groups, but trying to make this a much more inclusive effort, that we have a much better chance.

The problem is clear: As long as it is the United States dominating the agenda in Iraq, it is an obstacle for other countries to get involved. I salute the Secretary of Defense and the Secretary of State for their efforts, but I think we have complicated the situation dramatically with the length of this war and the visibility of the United States as the lead force in this invasion.

Mr. WARNER. We have to decide on the facts as they exist now, and I think our Government has. But even in the recent words of the President, he wants to intensify the participation of other nations in this situation.

My colleague, Senator LUGAR, in preparing our amendment—and he is quite expert in this area—has a considerable portion of our amendment—again, a sense of the Senate—directed at steps our country could be taking to augment those steps already taken. He recently met with the Secretary of State. They had a discussion here a few days ago, prior to our entering the amendment on this very matter. So we are moving forward.

I think my colleague and I have no difference on the need to involve the border states and other Muslim countries of responsibility.

Mr. DURBIN. I say to the Senator from Virginia, he used some words which I think tell part of the story here when he said his amendment with Senator LUGAR is a sense-of-the-Senate amendment. He is a veteran lawmaker and knows a sense-of-the-Senate resolution does not have the power of law. It is to suggest policy changes to the administration. The difference with Levin-Reed, if I am not mistaken, is we are dealing with legislative language. We are actually changing the law of the land when it comes to our forces in Iraq. That is significantly different. This is self-enforcing, the Levin-Reed amendment. Sense-of-the-Senate resolutions, either by Senator LUGAR or Senator CORNYN notwithstanding, will not change the policy. They do not have the binding impact of law as the Levin-Reed amendment does.

Mr. WARNER. We have to always monitor ourselves with the Constitution of the United States, and it explicitly gives to the President the power as Commander in Chief to direct our forces and to employ such strategy as he deems necessary to defend the security interests of our country. That is my concern with my distinguished colleague, Senator LEVIN, and he and I have worked here in this Chamber now in our 29th year, for those following this debate. My concern is that Congress become involved in military strategy and writing into law precisely what is done. I think that is crossing a constitutional issue.

I would like to continue with my colleague.

Mr. DURBIN. I might just say that I am glad my colleague from West Virginia is not on the floor because I don't have my Constitution in my pocket. But certainly article I, section 8—thank you, Senator, for covering for me here—says—if the Senator from Virginia will bear with me for just one moment.

Mr. WARNER. I know the provision quite well. It is on the regulation.

Mr. DURBIN. To raise and support armies, provide and maintain a navy, provide for militia, to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed—there may be another section here I am overlooking.

Mr. WARNER. I think you have about got it, if I may say.

Mr. DURBIN. Within the powers of Congress, we are not silent when it comes to the conduct of our military in this country.

Mr. WARNER. No, we are on a coequal basis, as the Senator well knows.

Mr. DURBIN. To make rules for the Government and regulation of the land and naval forces. Article I, section 8 of the Constitution.

Mr. WARNER. Well, I remember on this floor and my distinguished colleague from Michigan remembers when Senator BYRD argued very persuasively about certain aspects of the famous War Powers Act. Now, if we bring all of that history into this debate, and it may well be that we should do that, the reason that subject was carefully considered by the Senate, passed, and became law many years ago—each President has acknowledged that in spirit they are complying with the directions of the Congress, but they do not want it put into law.

Mr. DURBIN. May I ask the Senator from Virginia, and I know this is not following the exact process of our Senate rules, but I would ask him if he would address a point I made earlier; that the authorization for the use of force which President George W. Bush brought before us in October 2002 was explicit in the reasons for our invasion of Iraq—the threat of Saddam Hussein, the threat of weapons of mass destruction, and any threat of that nation to the security of the United States. Does the Senator from Virginia believe that authorization of the use of force applies to the current circumstance in Iraq today?

Mr. WARNER. Well, I was going to speak on that later tonight when I address my colleagues and point to the CONGRESSIONAL RECORD today, which contains the amendment by Senator LUGAR and myself. But, essentially, we bring to the attention of the Senate and provide the following language for the President, if I may read it, on page S 9224 of Friday's CONGRESSIONAL RECORD, in our section:

> The findings that supported H.J. Res. 114, Public Law 107–243, which was enacted in 2002 and which authorized the President to use the Armed Forces of the United States against Iraq, require review and revision.

So, Senator, I have gone on record, together with my colleague, Senator LUGAR, that this is necessary, and we further call on the President—and I read the bill.

Mr. LEVIN. What section are you reading?

Mr. WARNER. Reading section 3 of my amendment, and it is on page S 9224 of Friday's CONGRESSIONAL RECORD.

Mr. LEVIN. What section of the bill?

Mr. WARNER. It is our amendment, it is on page 14 of our amendment.

Mr. LEVIN. Is there a number?

Mr. WARNER. The amendment is at the desk, on page 14.

Mr. LEVIN. If the Senator would yield so we can follow him, I wondered if there is a number in front of the paragraph you are reading.

Mr. WARNER. I will hand you my copy.

Mr. LEVIN. Section 14.

Mr. WARNER. I wanted to read the important second sentence—I actually wrote this provision myself; Senator LUGAR concurred in it—the second sentence, after addressing the fact that we felt it required review by the Congress of the United States. That is the one required under the appropriations bill language, which we passed here—not passed; 50-some-odd Senators voted for it when I put it up.

Therefore, as part of the September 15th, 2007, report, Congress expects that the President will submit to Congress a proposal to revise Public Law 107–243.

So Senator LUGAR and I come foursquare and address that issue straighton. There is concern. I was one of the four Senators who wrote the language, and if I may engage my colleagues, the law, 107–243, provided support for U.S. diplomatic efforts. That is section 2.

The Congress of the United States supports the efforts by the President to

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions regarding Iraq, and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

Section 3. Authorization for the use of United States Armed Forces.

That is the provision Senator LUGAR and I address in our amendment. That authorization is very short, and I would like to engage in the reading of it.

Authorization for use of United States Armed Forces. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

So one is the benchmark, the underlying statement by the Congress which gives rise to the actions today to support the President, but I believe that in view of all that has transpired in the nearly 5 years—this will be 5 years since we passed this in October—it is the duty of the Congress to review it, and we have asked in our amendment for the President to come forth with proposals.

Mr. DURBIN. If the Senator will yield, I would like to ask a very pointed question. And I think I know the answer, but I want to get his opinion. Does the Senator from Virginia believe that today this administration is using military force in Iraq beyond the scope of our authorization for the use of force in October of 2002?

Mr. WARNER. I think the President can still act within that language right there—defend the national security of the United States against the continuing threat posed by Iraq. The Government of Iraq that existed at the time this was written is gone; that was Saddam Hussein. There is a new government there. But they, unfortunately, have not exercised the full control, the full reins of sovereignty that the people of Iraq, voting freely, have given them. We set up the structure, the infrastructure that enabled those votes to take place, and we gave them a measure of security so that they could go to the polls and vote. But, in my judgment, this language still underpins the President's actions.

I would remind the Senator, in a way, each authorization act of the armed services, since enactment of this law, in a sense de facto confirms the President's authority that he is exercising under it. We never challenged him in a single—I think I counted up 4 authorization bills and probably 10 different appropriations bills that have been passed authorizing the President to use these funds.

Again, it is sort of de facto recognition that the language still stands. But my thought is that the American people, the world is entitled to Congress addressing it and, hopefully, we can resolve it and put down in greater detail the authority that the Congress wishes to give the President as he moves forward, having hopefully given the Congress the benefit of such revisions in policy as he deems necessary in early October this year.

Mr. DURBIN. I might say to the Senator from Virginia, I am going to yield because I wish to allow the Senator from Michigan, if he wishes, to continue this colloquy. But I wish to say what the Senator from Virginia has said is troubling to me as an individual Senator in this regard. I was one of 23 Senators who voted against the authorization of the use of force in Iraq. I believed it was wrong. My position did not prevail.

Mr. WARNER. That is this bill we are discussing became law.

Mr. DURBIN. The majority position in the Senate at that time, even the majority position on my side of the aisle, voted for the authorization of force.

I had believed, and this goes back to earlier service in the House, that once Congress has spoken before the Nation, we move forward together. That is why I have supported the appropriations necessary for the forces in the field, even though I disagree with the policy and voted against the authorization of force. I have always believed they deserve to have the training, the equipment, whatever is necessary, to come home safely.

I would say to the Senator from Virginia, his observation a moment ago is troubling. I don't wish to put words in his mouth, but when I asked whether we were asking beyond the scope of the original authorization, the Senator from Virginia said that with each subsequent Defense authorization bill and appropriations bill, we were reauthorizing. I use that word, but I don't want to presume the Senator said that word. That is how I interpret it.

Mr. WARNER. I said those words. I stand by those words. I said ''de facto'' because there was every available means in the course of the debate on our authorizations bill for colleagues to come and challenge this. No one did.

As a matter of fact, the first reference to this occurred when I was chairman of the committee and I remember, it was last fall—I think it was General Abizaid, I asked him about this very provision. It is in the RECORD. I said I was concerned about whether there was an obligation of Congress to go back and review this language and determine whether it comports with the various missions he was performing at the direction of the President.

I can't recall exactly what his responses were. But I did raise this. That is the very reason I asked Senator LUGAR to join me in raising it again. I think it is incumbent upon the Congress to debate it. But we certainly have passed by and legislated many times, with full knowledge that this is the basis on which the funds we have appropriated are being utilized for the forces.

Mr. DURBIN. I might say to the Senator from Virginia, I have been asked to file a motion, which I am going to do at this time. I will send this to the desk.

Mr. WARNER. Madam President, we will go off the colloquy for that purpose?

AMENDMENT NO. 2252 TO AMENDMENT NO. 2241

Mr. DURBIN. Yes. I send an amendment to the desk.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2252 to amendment No. 2241.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the bill's enactment.

Mr. DURBIN. Madam President, I ask unanimous consent that no motions to commit be in order prior to the cloture votes on Wednesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Madam President, I yield the floor and thank the Senator from Virginia.

Mr. WARNER. I thank my colleague. We did get part way into one of the pending amendments, and that is the amendment of Senator MCCONNELL. I wish we had gotten one paragraph further and that is the National Intelligence Estimate, its conclusions. As a matter of fact, I understand another updated intelligence estimate is soon going to be received by the Congress and the American public. The National Intelligence Estimate states:

Al-Qaida would attempt to use Anbar province to plan further attacks outside of Iraq;

Neighboring countries would consider actively intervening in Iraq; and

Sectarian violence would significantly increase in Iraq accompanied by massive civilian casualties and displacement.

That is my concern with the Levin amendment. If we go in and announce with concrete law as to what our tactics should be, and we have this fixed timetable, with all due respect to my friend, I cannot support that.

I thank my colleague.

Mr. DURBIN. I thank the Senator from Virginia and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, we are talking about some very serious

issues that impact the life and safety of our soldiers whom we have called on to serve us in Iraq. It is a matter the American people care about, and we owe them the most careful study.

To my distinguished colleague, the assistant Democratic majority leader, Senator DURBIN, I would say one thing about a change in strategy. We voted to change our strategy. We voted 80 to 14, 53 days ago, to change our strategy, to send General Petraeus and fund the surge that is going on in Iraq. That is our strategy. We just voted on this. In fact, a few weeks ago, the last part of that surge arrived in Iraq. What, are we going to change it again, this month?

Later this week, we will vote on the Levin amendment to decide whether to change, again, our strategy in Iraq. Changing strategy by Congress during a time of war, particularly making changes that are opposed by the military and our Commander in Chief, is not a small matter. Our decisions deal with war and how to achieve peace and will affect the safety and the mission of those magnificent men and women who now serve us in Iraq.

For the busy American, the casual observer, and even the world citizen, it may be this is an appropriate time to vote on this subject again. Certainly, the frustration in our country and inside all of us is high and we are deeply concerned.

I would note that I think all of us agree that quite a number of errors have taken place in our military actions in Iraq. I suggest perhaps the most serious error was our belief that we could, too readily, alter this Government in Iraq and create a new government that would be effective virtually overnight.

That is contrary to good, conservative principles. These people in Iraq have never had a heritage of a functioning government other than brutality, and it is very difficult to do. I think we are finding out it is very difficult to do. It can't be done as quickly as many of us would like to have thought when this activity was begun some years ago.

But with regard to this change in policy, I suggest the Members in the Senate know better. We know it is not appropriate to be changing our policy again. We know that any nation, especially one that aspires to be a great nation, must deal with these life-and-death matters with maturity and sound judgment. We know if we were to lift our eyes off politics and emotion, that our country, striving to do good, is facing a most difficult challenge in Iraq. Things have not gone well. Our terrorist enemies are watching our politics with great interest. Sometimes they play us like a Stradivarius. And so our allies are watching. So, indeed, is the whole world. The terrorists are quite sophisticated and strive to produce a continuous series of bloody headlines to affect American public opinion. Our judgment, our character, our principles, our very souls are being tested. But this Nation has faced tough times before.

Don't we remember the history of Washington at Valley Forge or the burning of our own Capitol by the British in 1812 or the brutal bloody Civil War or the massive deaths in World War I or the attack on Pearl Harbor or the Italian campaign, the ferocious battles for Iwo Jima, Okinawa, D–Day, the Battle of the Bulge or the Chosin Reservoir in the Korean war? These are major moments in American history, and blunders in strategy and tactics and timing occurred in almost every one of them. Many errors occurred. Failures that cost lives unnecessarily, placed our Nation at greater risk than was necessary. But that is the nature of war.

Enemies lose a great deal of sleep trying to figure out what the weaknesses are of their adversary and trying to exploit that, and frequently they are successful, to a point. But certainly it is appropriate, even in times of war, that the Congress question and challenge the Commander in Chief and our military generals. But that challenge must be, no matter how vigorous, responsible, and honest. Our domestic politics are quite partisan, true; and, frankly, I have been a little disappointed at the nature of the debate I have heard this afternoon. Republican this and Republican that and President Bush this and President Bush that—it sounds more like politics than a sincere effort to reach the proper decision about what our future course should be.

Still, no one should deny that a congressional response to a war, a war that over three-quarters of us voted to authorize, should rise above political gain. With some exceptions, this Congress I think has done so.

Truly, there is great concern in our land about the war in Iraq. It is real and justified. I readily admit my concern. I will admit I am not able to state with certainty today what our long-term course should ultimately be or how this will all play out in the end. Therefore, I do not contest the sincerity of those who will disagree with my conclusions.

I can only state my views honestly and forthrightly because that is what I have been elected to do, and that is what our soldiers who depend on us for support expect of me.

First, I strongly believe this Nation cannot flop around, changing its policy from month to month. That would be immature. It would result in bad execution of this military effort, this war. It would demoralize our soldiers who are walking the streets of Iraq this very moment because we sent them there.

Additionally, this Congress funded their military operations. We funded them. Our duly elected President, our Commander in Chief, has directed the policy with the advice of his commanders in the field. That is what it is. That is what is going on. That is what is happening.

Now we had a great debate in April and May over whether to fund the so called ''surge'' that President Bush and the Defense Department requested. This is the surge that has, a few weeks ago, reached its full strength. After the full debate, Congress could have said no to the President on his request for the surge and not provided those funds.

Fourteen Senators did vote no. But we said yes by an overwhelming vote of 80 to 14. On May 24, less than 2 months ago, we authorized the surge and, more importantly, we passed an emergency supplemental to fund this surge. Nothing required us in Congress to do that. We concluded it was the right thing to do, considering the serious alternatives that existed.

Because of the concerns we all had at that time, we required an interim report on July 15th, which has been received on time. We also called for a complete report from General Petraeus, in September, on the status of his efforts and our soldiers' work.

Of course, we had voted to confirm General Petraeus by a vote of 99 to 0 to command this operation. There was no mistake then concerning the seriousness of the situation we were in. As General Petraeus described the challenge:

> It is difficult but not impossible.

We were in no way misled about the difficulties we faced, nor were we unaware of the most serious ramifications of a failure in Iraq.

Thus, on May 24, this Congress, with an overwhelming majority, said: Let's go with the surge. But we said: General Petraeus, we will expect you to give us a full, complete, and honest report in September as to how it is going with the good and the bad, and set out specific benchmarks we want you to address. That he promised to, do, and off he went.

Yet even before the personnel who were to be deployed to effect this surge had even arrived in Iraq, the Democratic majority leader, Senator REID, who voted for the surge, to my dismay, declared it a failure. While the troops were still arriving, the Democratic leader, the majority leader of the Senate, declared the surge a failure.

To me it is unthinkable that this Congress would pull the plug on this operation before it has had a fair chance to work, and we have had a fair chance to evaluate its effectiveness. We voted for it 53 days ago. What must the world community think, friend and adversary alike? Does not such immaturity of action reflect poorly on us as a nation? Nothing has occurred since that time of decision in May to justify concluding that the situation in Iraq has significantly changed for the worse? In fact, there are indications that some improvements have occurred. We know that General Petraeus, last year, after two tours in Iraq, 2 years over there, came home and last year wrote the Department of

Defense doctrine on how to defeat an insurgency. His expertise was much noted when we confirmed him to go take charge of the soldiers, sailors, airmen, and marines who would effectuate this effort. Nowhere in his manual did he ever suggest an insurgency could be defeated in 50 days, or 90 days, or 120 days.

Victory, we must admit—if you read his manual—takes time, diligence, determination, and smart application of politics, weaponry, and forces. His manual sets out methods for how to achieve victory against an insurgency, the methods for victory.

There is simply no basis at this point to conclude that our soldiers, sailors, airmen, and marines have failed in executing this policy. In fact, they are moving out with vigor. After seeing a reduction of sectarian violence in Baghdad by two-thirds. This is the sectarian violence, the murders that were occurring between hit squads, Shia and Sunni, as a result of the violence kicked off by the attack by al-Qaida on the Samara mosque, and their determined, effective policy to create violence between the Shia and the Sunni. That is what al-Qaida set out to do, and they succeeded last year.

We have seen that drop by two-thirds, although bombings still occur, and the bombings are suicidal, many times with large bombs that kill large numbers of civilians in shopping areas. But today some of our troops are moving out of Baghdad into the toughest areas outside Baghdad, such as the Dyala Province, and making, it appears, progress there.

As our soldiers confront enemy strongholds, some of which have never before been cleared, they demonstrate professionalism and courage that reflect the finest qualities that have ever been demonstrated by American soldiers.

Nor, let me add, has anything occurred that suggests this new strategy is flawed and will not succeed and should be abandoned 53 days since we agreed to see it forward.

So with respect, I conclude it would be irresponsible in the extreme to have this bunch of politicians sitting in air-conditioned offices in Washington reverse a strategy we approved 53 days ago. But that is exactly what the Levin-Reed amendment would do.

I have tremendous respect for Senator LEVIN. He is a superb chairman of the Armed Services Committee. But I do not agree with him on this point. I do not believe this is right.

If you were a soldier or a marine and you had just moved into a tough terrorist neighborhood in Iraq, following the directions given to you by your President and your Congress, and you saw your comrades take casualties, maybe killed in the course of executing that policy, all in the belief that somebody up there back in Washington had finally settled on a workable plan for victory, and then before your work is half done, in less than 2 months, you learn the folks up there had now changed their mind again, how would you feel? Wouldn't you think we do not take our mission of our soldiers and what they are doing seriously?

We owe our military better than that. We owe them the same courage and character they are displaying right now. On the birthday of our Army, I was at a celebration and met a young soldier. I thanked him for his service and began to explain my concern about the long deployments we were asking them to undertake. He cut in, saying, ''Senator, we just want to win.'' Before all that is just, this Congress must not fail such men.

The Levin amendment is pernicious in more ways than I am able to discuss at this time. It must not pass. We know a full review of our policies will occur in September. We agreed on that in May. That is critically important and valuable. I support such a review. I am open minded about what we will decide to do in September.

I hope and pray we will be able to reduce the number of our soldiers and begin a mature, effective way to reduce that deployment in Iraq, but we will decide our next step then. To execute a precipitous withdrawal from Iraq now, regardless of the conditions on the battlefield, and regardless of the advice of our commanders in the field, is unthinkable. It would be a stain on this Senate for years to come.

Has anybody bothered to express an interest in what General Petraeus has to say about it? Things don't always go well. My favorite statue in Washington is one that conveys the most historical import, I think, the one of General Grant right down here in front of the Capitol. He sits astride his horse, his campaign hat pulled down, his coat wrapped around, his head tilted slightly forward, a perfect picture of determination in the face of great difficulty.

It is said 600,000 died in that war on both sides. Over 440,000 Americans died in World War II. This Nation has seen dark days before, days darker than these. So let's keep our poise and our wits about us. Let's give General Petraeus and his courageous military personnel a chance to effect the strategy we agreed on and asked him to effect.

There are other important issues I will suggest to my colleagues as we discuss the Levin amendment. I will note a few briefly.

The surge report. The language in our affirmation of the surge in May called for a report that had benchmarks for improvements in Iraq. Those benchmarks have been much commented upon, but these benchmarks for improvement did not declare that all or any of the benchmarks must be met by September or even by July 15, the time of our interim report. They were to be objective markers by which we could judge progress and lack of it, and they were surely not exhaustive of every issue and challenge we faced in Iraq.

The fact that progress has been made in only half of those benchmark areas does not mean, of course, we should now up and declare the new operation a failure and that we should now cut and run. How could anyone conclude this July 15 report that shows limited early progress in only some areas means General Petraeus has failed? All the extra soldiers arrived there only 3 weeks ago.

It is also important to note that the benchmarks seemed to focus on the performance we wish to see by the central government, and they have not been meeting their responsibilities, in my view. I had my sixth visit there this spring. I was able to share that view and that frustration of the American people with the top leaders in Iraq, including Prime Minister Maliki. We believe they need to do more in the central government.

But, for example, the benchmarks provided no credit at all for the stunning progress that has occurred in the al-Anbar region, progress that has resulted at the ground level where Sunni tribal leaders have partnered with the marines to rout whole groups of al-Qaida operatives.

Similar progress, though smaller, it appears, seems to be occurring in other areas at the local level. So the benchmarks do not consider those events and whether progress is being made, but they are important as we evaluate what our situation truly is. We must remember that while sectarian violence continues, and it has occurred in large part as a direct result of al-Qaida's strategy to foment it, safety and security in the capital city is important in furthering political reconciliation.

I wish I could agree with the idea of my able colleague Senator LEVIN when he declared that peace and security in Iraq can only come as a result of a political settlement. Thus, he would suggest if a parliament cannot settle all of the difficult political issues on the timetable we set, we must leave, because this is the only thing that will make them agree on policy, our threatening to leave, and our actual leaving, it appears, because his amendment would require an actual departure from much of Iraq.

Well, I wish it were so easy. But, in truth, our commanders believe, our State Department believes, and I believe, it is far more complicated than that. Of course, a political settlement and reconciliations are critical to any long-term stability. But will not a reduction of violence and a more secure Baghdad be an event that will make political progress more possible? That is what the generals are telling us, that when the capital city is in a constant state of violence and disorder, how can we expect the Parliament to be able to function and to provide a peaceful settlement of the disputes that need to be settled long term for a healthier Iraq?

I think we have a new strategy. We voted on it 53 days ago. We agreed to

fund it. That is what the Congress does, we either put up the money or we do not put up the money. By a vote of 80 to 14 we put up the money to fund this strategy. We asked for a report in September, and now we have an amendment that has garnered quite a lot of political headlines and provided a lot of forums, a lot of ability to come forward on the floor of the Senate to attack President Bush and Republicans, but it is not a very responsible thing.

The responsible thing is for us to do what we said 53 days ago—to demand a full, complete, and honest report by General Petraeus in September, and at that point to evaluate the situation in Iraq and establish a strategy and a policy going forward from there that serves our national interest.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to discuss an amendment I can't offer right now because of the parliamentary situation, but I would like to discuss the amendment with my colleagues so they know it is coming and what it does.

My amendment to the Department of Defense authorization bill is meant to strengthen our efforts to verify if people in the United States are here legally to do their work. It deals with the Department of Defense because when it comes to the Department itself and to contractors who do Defense Department work, we ought to make sure that everybody who is working here has been here legally. That is for two reasons: One, because that is what the law says. You should not be in the country if you don't have the permission of our Government legally to be here. No. 2, one of the things we are concerned about in enforcing of the immigration laws is to make sure that terrorists don't get into the country. We should be particularly concerned that we don't have people with terrorist connections working for our contractors or working for the Government itself.

Without a doubt, we have an illegal immigration problem. That was evident from the legitimate hoorah people raised against the bill and against the amnesty provisions of it and the 2 weeks of debate we had this spring on the issue. People are crossing our borders each day to live and work in the United States. Some of these individuals may have innocent motives but some may not. There may be some illegal or undocumented individuals living in the shadows who aim to bypass law enforcement and do our country harm. We don't live in a pre-9/11 world anymore, so we must do all we can to protect our country and our assets.

My amendment would do two things. First, it would require all Federal Government agencies and departments to use what we call the basic pilot program, also known as the Electronic Employment Verification System. This would be for all departments of Government. I will soon demonstrate that a lot of departments are already doing it. But we ought to, particularly in a bill such as this, make sure the Department of Defense is using it in every respect.

The second part of the amendment would require all Department of Defense contractors to use the basic pilot to check the eligibility of their workers. The reason this is needed and why it is appropriate in the bill before us is, the Immigration Reform and Control Act of 1986 makes it unlawful for employers to knowingly—and I emphasize ''knowingly''—hire and employ aliens not eligible to work in this country. It required employers to check the identity and work eligibility documents for all new employees.

Today, if the documents provided by an employee reasonably appear on their face to be genuine, then the employer has met its document review obligation, and it has reason to believe it hired somebody who was legally in the country. So they are off the hook. They can't be fined or any other action taken against the employer. But beyond those documents, the employer cannot solicit any additional documents from the worker, or they would face allegations of employment discrimination. The easy availability, as we all know, of counterfeit documents has made a mockery of that law that we passed in 1986 which, quite frankly, I was here and I voted for. We thought it would solve all of our problems.

Well, we went from 1 million people being here illegally to 12 million people, so obviously it didn't solve anything. That is because fake documents are produced by the millions and can be obtained cheaply. Thus, our immigration policies benefit unscrupulous employers who do not mind hiring illegal aliens but want to show that they have met the legal requirements, and then the word ''knowingly'' being in the law, if they have reason to believe legally, even if they are here illegally, unless the employer knows absolutely they are not here illegally, then they are off the hook. The problem is, you have a lot of these employers who know that even though the documents are fraudulent, that the person is here illegally, they hire them and never get caught. So we have tried to put this basic pilot program in place to be one step beyond where we were in 1986.

Now at the same time, our policies harm employers who don't want to hire illegal aliens but have no choice but to accept those fraudulent documents that they know have a good likelihood of being that way. In response to the illegal hiring of immigrants, Congress created this basic pilot program in 1996. This program allows employers to check the status of their workers by checking one's Social Security number and alien identification number against the Social Security Administration and Homeland Security databases.

Since 1996, the system has been updated and improved. It is a Web-based program. Employers can go online quickly and very easily when hiring an individual. It has been voluntary since its inception.

The basic pilot program was originally authorized in 1996, reauthorized in 2001, and expanded and extended again in 2003. Originally, the authorization allowed six States to participate. In 2003, the extension allowed employers in all 50 States to voluntarily use the program. The immigration bill before the Senate I have already referred to, last year and this year, would have required all employers to use the basic pilot program over a period of time, meaning phasing it in. Both the administration and Congress were poised to pass legislation mandating participation and argued that this employment verification system using Social Security was crucial to enforcing the laws on the books and getting around this problem of fraudulent documents. Moreover, during the debate on immigration this year, it was argued that the system was a needed tool for employers to check the eligibility of their workers.

I had an opportunity to have a meeting way back in January of this year with Secretary Chertoff about requiring all agencies to use the system and extending the requirement to contractors that do business with the Federal Government. The Department of Homeland Security responded by saying that 403 Federal agencies are participating in the basic pilot program. Moreover, the Department claimed it was exploring ways to verify all executive branch new hires, and its goal was to ensure that all new hires in the executive branch are verified through the basic pilot program by the end of fiscal year 2007; in other words, 3 months from now.

Currently, all congressional offices are required to use the basic pilot program. My office uses this process of checking everybody who applies to work for me, and if we are going to hire them, check with the basic pilot program—in other words, Social Security—to make sure that everything matches up. Since more than 400 agencies are already using it, including congressional offices, requiring all agencies beyond the 400 to participate would seem to me to not be overly burdensome and something we ought to do if we want to make sure we don't hire people who are here illegally; and, No. 2, that the Federal Government would set an example for other employers; and, lastly, as the effort to control the border has something to do with stopping terrorists from coming to this country, to make sure that we don't have people like that working for the Federal Government.

With this goal in mind of Homeland Security to do this for all executive branch hires by the end of this fiscal year, it seems to me to be reasonable to make sure we move to make sure that it is done. My amendment, then, clarifies, as I see it, what is existing

law—that all agencies and all departments must use the basic pilot program and verify the status of their workers. My amendment is needed to push their participation in this program.

Congress and the administration would then set an example for the rest of the country. My amendment would also require those who do business with the Department of Defense to use the basic pilot program.

This gets to the second part of the bill that deals with contractors working for the Federal Government, working for the Defense Department. There have been many examples of people here illegally working at military bases and installations in the past few years. There have been instances where Government contractors are employing people who are here illegally and allowing them to work in sensitive areas. I will share some examples.

In April 2005, 86 of 167 employees of a company called Naval Coating Incorporated were found to be hired illegally. This company was a military contractor that painted ships at naval stations San Diego. More than half of this company's workers were people here illegally. Yet our Department of Defense was doing business with this company that had more than half of its people illegally employed because they were here illegally.

Last year, hundreds of illegal workers were found working for a Texas company which makes millions of ready-to-eat meals for our troops in Iraq. Last July, U.S. Immigration and Customs Enforcement arrested more than 60 illegal immigrants at Fort Bragg in North Carolina. In January of this year, the Immigration and Customs Enforcement Agency arrested nearly 40 illegal immigrants hired by contractors working at three military bases: Fort Benning, Creech Air Force Base, and Quantico Marine Base. One of the illegal workers was reportedly a member of the dangerous MS–13 gang.

While the Immigration and Customs Enforcement Agency has done its job to find unauthorized workers at secure sites, illegal aliens should not be hired in the first place. One way to get at the problem is to require them to use this basic pilot program up front like every congressional office does, or at least is supposed to do under the law. That is why my amendment is needed, requiring that those who do business with the Federal Government should be held to the same standard as our executive department agencies, of which as I said, 400, according to Secretary Chertoff, are already doing it. So you might say that half of my amendment may not be needed because he wants them all to do it. But I think we are better off if the law says that they do it, and so I included that in the amendment.

So we need to do this like other people in Government are doing to make sure it is done because we need to have the Federal Government setting an example requiring those who do business with the Federal Government to be held, then, to the same standard as our executive department agencies. This amendment will provide the tools to all employers who work with the Department of Defense and require Government agencies to lead the Nation in verifying its workers.

I know now the parliamentary situation is such that I can't offer this amendment at this point. I want to explain to everybody as I have—and why I come to the floor now—so that before this bill is voted on final passage, I think before the end of this week, we will have a chance to deal with something that I see as very important from the standpoint of making sure that laws are abided by, making sure the Federal Government as an employer is setting a good example, and making sure that we in this country use all the tools necessary to make sure that people who work for anybody using the Social Security system as that tool are here legally and can then be employed. It overcomes, then, the problems we have with fraudulent documents and, lastly, securing our borders.

Who wants to work here should be a tool to make sure terrorists are not working for anybody who works for the Government, meaning a government contractor or for a government agency. Particularly, that ought to be of most concern to us that we do not have that type of person working for the Defense Department—because of national security—or contractors who are doing work for the Defense Department, which is central to our national security.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, I have come to the floor today to reiterate my intention, along with the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from Nebraska, Mr. HAGEL, to offer legislation to close the U.S. military prison at Guantanamo Bay, Cuba.

Now, again, we have decided not to offer the measure on the bill before us, the National Defense Authorization Act. But we certainly will be offering it as an amendment to the Defense appropriations bill when that bill comes to the floor. One way or another, we intend to get this legislation passed this year.

I think there is remarkable agreement on the need to find a way to close this prison. All our closest allies have urged that Guantanamo be closed, as have many leaders from across the political spectrum in the United States.

Last June, after three detainees committed suicide in a single day, President Bush acknowledged the prison has damaged America's reputation abroad. He said:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they are trying to encourage other countries to adhere to.

The President said:

> I'd like to close Guantanamo.

More recently, Secretary of Defense Bob Gates and Secretary of State Condoleezza Rice have urged the prison be shut down.

On March 23, the Washington Post, citing ''senior administration officials,'' reported that Secretary Gates had ''repeatedly argued that the detention facility at Guantanamo Bay, Cuba, had become so tainted abroad that legal proceedings at Guantanamo would be viewed as illegitimate.''

According to the Post, Secretary Gates ''told President Bush and others that it should be shut down as quickly as possible.''

Let's make no mistake about it; the current detainees at Guantanamo do include a number of extremely dangerous terrorists, with the determination and ability—if given the opportunity—to inflict harm upon the United States and its citizens. Among the detainees are 14 senior leaders of al-Qaida, including Khalid Shaikh Mohammed, who has confessed to being a mastermind of the September 11 attacks, as well as others. We must—and we can—hold these enemy combatants in maximum security conditions elsewhere.

But the critics of Guantanamo are right. The 5-year-old prison at Guantanamo is a stain on the honor of our country. By holding people at Guantanamo without charge, without judicial review, without appropriate legal counsel—and in the past subjecting many of them to what amounts to torture, regardless of how you want to dress it up—by doing all those things, we have forfeited the moral high ground and stand as hypocrites in the eyes of the world.

As Secretary Gates has argued, any legal proceedings or convictions now taking place on Guantanamo will be viewed as illegitimate in the eyes of the world.

Perhaps most seriously, from a pragmatic standpoint, maintaining the prison at Guantanamo is simply counterproductive. It has become a propaganda bonanza and recruitment tool for Islamic fundamentalists. It alienates our friends and allies. It detracts from our ability to regain the moral high ground and rally the world against the terrorists who threaten us.

The administration has repeatedly described detainees at Guantanamo as ''the worst of the worst,'' or, as former Secretary of Defense, Donald Rumsfeld, once described them, the ''most dangerous, best-trained, vicious killers on the face of the earth.'' Unquestionably, some of the detainees fit these descriptions. However, an exhaustive study of Guantanamo detainees conducted by the nonpartisan and highly regarded National Journal, last year, came to the following conclusions:

A large percentage—perhaps the majority—of the detainees were not captured on any battlefield, let alone on ''the battlefield in Afghanistan,'' as President Bush once asserted.

Secondly, fewer than—fewer than—20 percent of the detainees have ever been al-Qaida members.

Third, many scores—and perhaps hundreds—of the detainees were not even Taliban foot soldiers, let alone al-Qaida members.

Fourth, the majority of the people at Guantanamo were not captured by U.S. forces but, rather, handed over by reward-seeking Pakistanis and Afghan warlords and by villagers of highly dubious reliability.

For example, one of the detainees in Guantanamo is a man who was conscripted by the Taliban to work as an assistant cook. The U.S. Government's ''evidence'' against this detainee consists, in its entirety, of the following—keep in mind, the evidence against this detainee consists, in its entirety, of the following—

a. Detainee is associated with the Taliban.

i. The detainee indicates that he was conscripted into the Taliban.

b. Detainee engaged in hostilities against the U.S. or its coalition partners.

i. The detainee admits he was a cook's assistant for Taliban forces in Narim, Afghanistan under the command of Haji Mullah Baki.

ii.

Get this—

ii. Detainee fled from Narim to Kabul during the Northern Alliance attack and surrendered to the Northern Alliance.

That is it. That is the evidence they have against this detainee. He was forced by the Taliban to be a cook. When he saw his opportunity to get out of there, he escaped and went to the northern forces and surrendered to them. Now he sits in Guantanamo.

What kind of justice is this?

Well, the situation at Guantanamo is rather personal with me. Not only was I stationed there for some time back when I was a Navy pilot—and I have since been back, of course, to visit—but more personal, in July of 1970, I was a rather young staff person for the Select Committee on U.S. Involvement in Southeast Asia of the House of Representatives. I was working with a congressional delegation on a factfinding mission to Vietnam in the summer of 1970, and through a series of circumstances—and because of the bravery of a young Vietnamese man who had been in the tiger cages on Con Son Island and who was let out—now, why was he let out? Because usually when you got to the tiger cages, you were never seen again.

Well, the South Vietnamese had these prisons put up on Con Son Island. Actually, they were built by the French when the French ruled Indo-China. So the French built these prisons on an island off the coast. The Vietnamese took them over and then built these so-called tiger cages, which were hidden within the prison so no one could find them.

Cao Nguyen Loi was sentenced to the tiger cages because he led a student protest at Saigon University. He was the student leader at Saigon University in 1969, early 1970. Because he led a protest against the war, the police picked him up. The South Vietnamese Army picked him up and sent him out to Con Son Island.

No one knew who he was. But the students refused to go back to class until their student leader was released. It was time to take the exams, and this was a big deal for families. They were putting pressure on the university, and finally the Government let Cao Nguyen Loi go. They told him at the time, though, that if he ever said anything, they would kill his brother because his brother was also in the tiger cages.

Well, this young man, very bravely, sought me out, along with Don Luce. Don Luce was a young man who I think at that time had been working for the World Council of Churches in Vietnam. If I am not mistaken, I think he was a native of Vermont. Yes, Don Luce was a native of the State of Vermont. He had been over there teaching the Vietnamese how to grow sweet potatoes, agricultural things.

Well, Don Luce had known this young man. I had sought out Don Luce because Luce had written a book about Vietnam called ''Vietnam—The Unheard Voices.'' So in preparation for this trip to Vietnam, I read the book because I felt that Congressmen should hear both sides. So I read this book. I never met Don Luce before, but I was intrigued by this book, that there was a large sector—I questioned at the time—of South Vietnamese who were opposed to the war. We were led to believe quite differently, of course.

So Don Luce brought this young man to see me to tell me about the existence of the tiger cages. These tiger cages had been rumored for a long time. In fact, the year before, in 1969, a young Congressman by the name of John Conyers went over with a Congressman, I believe it was Father Drinan, Bob Drinan, and they had inquired about the existence of the tiger cages. They were told this was Communist propaganda, no such thing existed. Our military denied it. The Nixon administration denied it. The South Vietnamese Government denied it: There was no such thing. This was Communist propaganda.

Well, this young man, who came to see me, said: They are out there because I was in them. But they told me if I talked, they would kill my brother, so I have to place my trust in you because someone has to expose them. I said: Well, I don't know if I could or not because I would have to get a couple of Congressmen to go out there. It was on an island. We had to get a plane, fly out to this remote island. It would take a whole day. Then he told me: You would not find them unless you have a map. I will draw you a map. So he sat down and he drew me a map of how to find the tiger cages. He said: Because, you see, there are a lot of prison camps on Con Son Island. There are about five different prison camps and they all look the same. Unless you know what you are looking for, you will never find the tiger cages, because they are in one prison camp and you have to know how to find them. He drew me a map. He couldn't quite remember exactly, but he knew to look for these certain symbols, these certain signs, these certain things he remembered. So I took the map.

I then went to see Congressman Gus Hawkins of California and laid this out for him and said there might be a possibility that we could find out once and for all whether these tiger cages existed. He said he would go. We needed another Congressman. William Anderson, Congressman William R. Anderson from Tennessee, when he heard the story, said: I will go.

Keep in mind, Congressman William R. Anderson had until that time been a supporter of the Vietnam war. He wrote a book once, which is one of my favorite books. It was called ''Nautilus 90 North.'' This same Congressman Anderson was the first skipper of the first nuclear submarine called the Nautilus. He was a very famous guy at the time because he was the first one who took a nuclear sub underneath the North Pole and he wrote a book about the Nautilus submarine called ''Nautilus 90 North.'' He retired from the Navy and was elected to the House from Tennessee.

Congressman Anderson, Congressman Hawkins, and I took off with Don Luce. We went out to the islands. I am not going to give you the whole story, but armed with the map, we were able to find the tiger camps. When we found them, we were told by one Red Walton, who was the USAID director—public safety director—that we had no business being there. Oh, I might say, before we got out there, this same Red Walton had told us these prison camps were more like a Boy Scout camp. They took us to some of the prison camps and they weren't all that bad for prisons, I guess. But again, armed with a map, we found the tiger cages and the suffering that we saw there, the inhumanity we saw there, was something you never shake. I was armed with a camera. I had my camera, so I took pictures. Of course, we had two Congressmen, William Anderson and Gus Hawkins, there.

Armed with that information and coming back to the States, we published the pictures and got the story out. It became a worldwide story. The prisoners were released because of the pressure that was put upon the South Vietnamese government. They then began to tell their stories. But there was one picture I took that was in Life Magazine. It was of a young Buddhist monk who looked up through the bars of these tiger cages as we looked down on him, and he said in Vietnamese—we had Don Luce as an interpreter—he said: I am here for only one reason: Because I speak out for peace, and no matter how long I stay here, I will continue to speak out for peace.

I took a picture of that young Buddhist monk. Yet before the prisoners

were all released, he was beaten to death.

While I have since gone back to Con Son Island and visited his grave, the tiger cages are now a memorial, like a museum for people to see, of all the horrors they inflicted on so many hundreds of people. People were shackled together in awful conditions—awful conditions.

This weekend I was handed a paper done by Vaughan Bagley. I visited with her. She was doing a paper on the tiger cages of Con Son. She wrote a paper about it. She did some very good research. Vaughan is a high school student, but she did a lot of great research. She went back and looked at all of the congressional hearings that were held on this, and she quoted Representative Hawkins. Representative Hawkins stated at the congressional hearings in 1970:

> Con Son is a symbol of how some American officials will cooperate in corruption and torture because they too want to see the war continued and the government they put in power protected.

Well, as she went on to point out, she said:

> Unfortunately, however, in their democratic crusade, America lost the very principles of freedom and equality that they purported to defend, and ultimately violated Article 13 of the Geneva Accords of 1949.

A former prisoner testified that the clear violation of these principles:

> No matter what medical problem the prisoner has: TB, Diphtheria, he is still thrown in with all the others who are not sick, all eat out of the same bowl, sleep together, shackled to the same rope. I know of no other place on Earth where human lives are so cheap as in Con Son.

Congressman Hawkins argued: Con Son is the type of not looking at our own faults and atrocities that endangers our American prisoners of war held by the Communists.

Vaughan Bagley did a great job on her research. What she pointed out in her paper was that in our pursuit of democratic ideals and democracy around the world, we can't condone, harbor, or support places like the tiger cages of Con Son Island, Abu Ghraib, or Guantanamo Bay, Cuba.

I tell this story because now I think my colleagues get some idea of why I feel so strongly about Guantanamo. It has for me the same smell, the same awful vision of Con Son Island. You see, in both cases these prisons were off on remote islands. Why? Well, to keep away the press, to keep people from asking questions about what was going on. Once you were taken off the island, chances are you were never seen again.

That is what has happened at Guantanamo. Guantanamo has become the United States Con Son Island. It has become like the tiger cages on Con Son Island. The more the world knows about it, the harder it is for us to argue from kind of a morally high standpoint of supporting the Geneva Conventions or the rule of law.

Well, at the time of the discovery of the tiger cages, the United States Government had been insisting that the North Vietnamese abide by the Geneva Conventions. Yet here we were condoning, funding, and supervising the torture not only of Vietnamese prisoners of war but of civilians. People such as this young guide who was caught up and held by the Taliban as a cook, who escaped, who probably didn't want to fight for anybody—a clear violation of the Geneva Conventions.

There are disturbing parallels between what transpired on Con Son Island nearly four decades ago and what has happened at Guantanamo in recent years. As I said in both cases, prisons were deliberately set up on remote islands, clearly with the intention of limiting scrutiny and restricting access. In both cases, detainees were not classified as prisoners of war, expressly to deny them the protection of the Geneva Conventions. In both cases, detainees were deprived of any right to due process, judicial review, or a fair trial. They were simply held indefinitely in isolation in legal limbo. In both cases, when the mistreatment of detainees was exposed, the United States stood accused of hypocrisy and of betraying its most sacred values and violating international law.

We need to reverse the damage Guantanamo has done to our reputation and to our ability to wage an effective fight against the terrorists who attacked us on September 11 of 2001. The essential first step must be to close the prison at Guantanamo as expeditiously as possible. The legislation that Senator FEINSTEIN, Senator HAGEL, and I have would accomplish this within 1 year of the date of enactment.

Under the provisions of our legislation, one, the President shall close the detention facility at Guantanamo Bay. All detainees shall be removed from the facility. No detainee shall be transferred to a detention facility under U.S. custody located outside the United States.

We heard all about these other little prisons around the world that, well, maybe they are held by other countries, but they are supervised by us. Our legislation says it can't be transferred there either. No later than 3 months after enactment, the President shall submit a report to Congress describing plans for closing Guantanamo and removing the detainees, and the President shall keep Congress currently informed of steps taken to implement the legislation.

That is basically our legislation. It is very clear, very straightforward. As I said, we were going to offer it on the Defense authorization bill. We have all agreed not to do so, but that we definitely will be seeing this coming up on the Defense appropriations.

In closing, on this issue, the United States has lost its way both in Iraq and at Guantanamo. We need to wage a smarter, more focused, and more effective fight against the Islamic terrorists who threaten us, and we must do so in ways that do not give credence to the American antipropaganda and do not rally more recruits to their cause. To that end, we must close the prison at Guantanamo as soon as possible. Our amendment has won the enthusiastic endorsement of Human Rights Watch, Human Rights First, Amnesty International, and the American Civil Liberties Union. We currently have 14 bipartisan cosponsors here in the Senate. I urge our colleagues to join us in cosponsoring this legislation.

LEVIN-REED AMENDMENT

Before I yield the floor, I also want to talk for a minute on the bill—the Levin-Reed amendment—because I think it offers the best prospect for accomplishing the goals of a more focused and effective campaign against the terrorists.

For 4 long years, President Bush has said that as the Iraqis step up to their responsibilities, the United States will be able to step down. Today it is painfully clear that the opposite is the case. The Iraqi military and Government will only step up to their responsibilities once it is clear that the United States is stepping down. The Levin-Reed amendment says the United States will begin troop redeployment within 120 days and remove most American combat forces from Iraq by April of next year. This acknowledges what has long been obvious to our commanders: There can be no military solution to the mess in Iraq. At the same time, by signaling our intention to redeploy by next spring, we will create powerful incentives to force compromise within the deadlocked Iraqi Government and to compel Iraq's neighbors to play a more active and constructive role in pacifying that country.

Again, I say this only of myself, but there is no guarantee this approach will work—will succeed. There is no guarantee the Iraqis will be willing or able to compromise and come together in a genuine government of national reconciliation. However, the only certainty is that our current force is a formula for more failure, more deadlock within the Iraqi Government, more death and destruction for both Iraq and America.

New developments this past week have driven home the urgency of the change of course proposed by the Levin-Reed amendment. Last week, we learned we are now spending an astronomical $10 billion a month in Iraq. Last week, the administration issued the required progress report on the benchmarks for Iraq. What did it show? It showed the Government in Baghdad has failed to meet any of the benchmarks for political and economic reform. The Iraqis have failed to make progress in passing a law governing the sharing of oil revenues.

They have failed to make progress in allowing former Baath Party members to return to their jobs. They have failed to make progress in disarming the militias. They have failed to make progress in organizing new provincial

elections. Indeed, the only thing the Sunnis, Shiites, and Kurds have agreed upon in Parliament is that they will go on vacation during the month of August.

Now, there was one glimmer of good news in the report, and that was, the U.S. military has had some success since January in improving the security situation, although the overall levels of violence and mayhem are unchanged. Well, limited success should come as no surprise to anybody. We all appreciate the professionalism, courage, and capability of our Armed Forces. It would be astonishing if an additional 30,000 troops didn't see at least some small improvement in security.

There is one unfortunate thing about this. These modest gains are all being accomplished by U.S. troops, not Iraqis. Because the surge is not sustainable, even these modest gains are ephemeral.

Meanwhile, a new report by the National Counterterrorism Center concludes that al-Qaida has grown stronger than at any time since 9/11. In other words, while the U.S. military and intelligence assets have been massively sidetracked in Iraq over the last 4 years, al-Qaida has been able to regroup elsewhere, with most in Afghanistan and Pakistan. As a CIA Deputy Director of Intelligence told a House committee:

> We see more al-Qaida training, more al-Qaida money, and more al-Qaida communication.

Indeed, the U.S. invasion of Iraq has been the gift that keeps on giving to al-Qaida. There was no al-Qaida presence in Iraq before the invasion. Now a home-grown organization, loosely affiliated with al-Qaida, calling themselves ''al-Qaida in Mesopotamia,'' has emerged. What's more, as previous intelligence reports have concluded, America's ongoing occupation of Iraq has been a powerful recruitment tool not only for al-Qaida, but for many new extremist organizations, some of them sprouting up spontaneously in western countries, including Britain and Spain.

So, Mr. President, we have reached an extraordinary juncture regarding the current failed policy in Iraq. We have reached the point, frankly, where either you side with the President and his demand that we stay the course in pursuit of what he calls victory—although the President has never really defined what that victory is—or you side with the American people and our military commanders who have concluded that there is no military solution in Iraq. You either support this endless, pointless war or you support a smaller, more focused campaign against the terrorists who truly threaten us. Those are the choices in the current Senate debate.

On our side of the aisle, we Democrats and the American people have made our choice to chart a new direction. I am confident that as more and more of our friends on the other side of the aisle make that choice in the days and weeks ahead, we will ultimately prevail.

The conflict in Iraq can only be solved through political compromise and reconciliation in Baghdad and through aggressive diplomatic engagement with Iraq's neighbors and across the Middle East. So it is time to chart a new course. The approach embodied in the Levin-Reed amendment offers us our best hope for extricating ourselves from this quagmire in Iraq and retaking the offensive against al-Qaida and other terrorist groups.

I am proud to be a cosponsor, and I urge all my colleagues to support the Levin-Reed amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say to my good friend from Iowa that while there are so many things in which we find ourselves in agreement as the months and years go by, in this area we find disagreement. I have to say this. I wasn't going to mention Guantanamo, but since that is a subject of interest to everybody—and it certainly has the interest of the Senator from Iowa—I only mention this. I have done this before on the Senate floor. I am very much concerned about this obsession we seem to have in this country politically to take care of these terrorists who are responsible for committing acts and killing Americans.

I was down at Guantanamo several times. One time was right after everything started escalating and they started arriving there. Everybody was concerned about the methods of questioning these individuals, interrogating the prisoners. I remember going down and seeing a lot of them doing everything they could to antagonize the troops that we had down there to police that situation. It was really kind of pitiful. You sit there and look at these people, and these are prisoners who probably have never eaten better in their lives, have never had better medical attention in their lives, have never really lived better than they are living in Guantanamo. Yet these are individuals who are terrorists. These are the worst, and some have killed Americans. We all seem to have this propensity to be more concerned about them than we are for the lives of Americans.

I want to give a different perspective. I have had the honor, I believe, of being in the Iraqi AOR—not always in Iraq, but the area of responsibility—more than any other Member. I have watched this on a monthly basis since we have gotten into this thing. As I look at it, I very carefully chose the word of ''invasion'' on Iraq as opposed to a ''liberation'' of Iraq.

I remember so well right after the first Iraqi war, I was honored to go over to Iraq the day that it was actually declared to be over. This was in Kuwait City. We had a thing called the ''first freedom flight.'' Tony Cohelo was on that flight with me. Certainly, the Chair remembers him well.

We also had one of the Kuwaiti nobility and his young daughter with us at the time. We got there, and they were burning the oil fields. It was obscure. Even during the daylight hours you could not see anything. The Iraqis didn't know that the war was over—those who were down there at that time. I remember so well seeing the devastation.

This little girl, I think, was 7 years old at the time. They wanted to go back to Kuwait to go to their mansion on the Persian Gulf, a beautiful place, so she could go up in her bedroom and see her little dolls and animals. I remember going up there with her, and we found out that their residence had been used as one of Saddam Hussein's torture chambers. I remember going up to her bedroom with her and, in fact, that bedroom had been used as a torture chamber, one of Saddam Hussein's headquarters. There were body parts—ears, hands, just strewn all around the room. You thought: What kind of a monster could this Saddam Hussein be? This guy had spent 30 years of his life terrorizing his fellow citizens. We saw things like a little boy with his ear cut off. He was 9. The reason it was done was he had a little American flag in his pocket, and I guess they found that on him, and they considered that to be inappropriate.

Looking into mass graves and hearing the stories of individuals going through grinders and begging to go head first so they would not torture them quite as long, being dropped into vats of acid, begging to be dropped in feet first. These are the kinds of terrorists that we are talking about over there. This is what Iraq was like. This is what Saddam Hussein was like.

While I don't want to get into the debate about weapons of mass destruction, I never had that as the argument. It is a fact that training was taking place there; whether it was al-Qaida or not we don't know. In Salman Pak in Iraq, they were training terrorists to hijack airplanes. Whether they trained in that area the particular 9/11 perpetrators, I have no way of knowing. Nonetheless, this is something that had to be—all you had to do was look into the mass graves and hear the stories about weddings taking place and how they would raid them and rape the women and bury them alive. That was the scene, and that is what we were doing over there.

I really came to the floor to voice my objection to the Levin-Reed amendment, No. 2087. Winston Churchill once said:

> Never, never, never believe any war will be smooth and easy. . . . Always remember, however sure you are that you could easily win, that there would not be a war if the other man did not think he also had a chance.

That was just as true in World War II when Churchill made the statement as

it is today. Today, we face an enemy that is determined and willing to go to any means of terror and violence to win. He cannot be negotiated with. You cannot negotiate with a terrorist. We keep hearing that we need to negotiate with them, but we cannot do that. They will not be satisfied until the whole world is brought under their dreadful ideology. We have seen this kind before in Stalin and Hitler, but never before has our enemy metastasized this way.

In a way, you could say it is more dangerous now than it was back then during Hitler and Stalin because the mentality is different. These are people who want to die and who are willing to die. This is their way of going to heaven. It is a totally different environment than under the other cultures in the different wars. There is no centralized headquarters or one leader that we can eliminate. There is no country involved. I don't think we have ever been involved in a war against an enemy who didn't have a country. When you defeat a country, you win the war. Well, there is nothing centralized that we can point to. Victory would come the way it always has: Destroy the enemy, undermine the support network, and expose the fact that they cannot win.

Any plan to leave Iraq before we have had a chance to understand the outcome of the troop surge tells the enemy, first of all, they have been successful and that their methods worked. Those individuals who were perpetrating the crimes of terrorism will come back and do them again. It gives them patience to wait us out.

Do you believe they do not watch our news or that they are not watching us right now, scouring our media for any chink in our resolve? Their survival depends on it, and they cannot win by force of arms. They can only win by attacking our resolve.

Our country represents the light of freedom and democracy. Yet I fear that we have begun a terrible introspective and downward cycle. Our resolve lasts for a few months, or maybe a year, but all it takes is enough time and then we break. Our enemy knows this. Look at our mission in Somalia. I remember it so well. So does the Presiding Officer. They were dragging the naked bodies through the streets of Mogadishu and our resolve was broken. Look at our reaction to the bombings in Lebanon at Khobar Towers. Look at Vietnam.

I am saying that we have to realize that while this introspection guarantees our freedom, it is also our greatest weakness. I recognize there have been mistakes made in Iraq. In his January 10 speech, the President also recognized this and has taken full responsibility for mistakes, which are made in every war. Yet we still find ourselves in difficult situations about the best way ahead.

These decisions affect many lives, both of our soldiers and the American people they pledged to protect.

We should debate. That is what the Senate body intends to do. It is what we have been doing. But how we fight and when we leave will determine the fight our grandchildren face. I think we all agree that it would be disastrous to leave Iraq precipitously. If we do, we know what we can expect: increased levels of violence and the spread of extremist ideology. Iraq itself would collapse into anarchy. We know this.

A personal friend of mine, DIA Director General Maples, said this:

> Continued coalition presence is the primary counter to a breakdown in central authority. Such a breakdown would have grave consequences for the people of Iraq, stability in the region, and U.S. strategic interests.

DNI John Negroponte and CIA Director General Hayden have also agreed with that statement and analysis. It is not too late to avoid this breakdown. I don't think it is time to start cutting our losses and hope all of this will somehow disappear, somehow it will go away. If we can assist Iraq to reach the point of sustainable self-governance, then we can bring defeat to our enemies and bring stability to the region. We all want this to happen.

To those who say we cannot win, I look to Bosnia. I have to say, Mr. President, I was wrong in this case. That was a situation that many said and I said was intractable, that we would be bogged down for years and suffer thousands of casualties. I really believed this situation. I went back to Bosnia. It is peaceful. This is directly because of our military involvement. So I learned a lesson in Bosnia.

When I heard President Bush ask for our support for a troop surge, I heard the same message from many soldiers whom I have talked to in Baghdad, Fallujah, Tikrit, Balad, Mosul, and other areas. They said they want to fight the enemy there and not at home. This is what the troops have told me on these 14 trips I have made over there. They said they are in a fight to win and that they will accomplish the mission. Their morale is very high, and they back this up by reenlisting in record numbers.

I watched one of the Sunday shows, and they are trying to say: Look at the dissatisfying level. You can ask a question of all the troops over there and pull out some kind of answer that can be misinterpreted. The true test is those individuals who are fighting the hardest and facing the most risk are the very ones who have the highest reenlistment rate we have seen in modern history. We are seeing reenlistments in record numbers right now, and the sacrifice our service men and women pay demand we pursue every possibility to leave stability in our wake.

The permanent Iraqi Government has only been in power since May. Many of the leaders have never had any kind of opportunity to run any kind of government before, let alone under the terrible circumstances they face. While Saddam was in power, they were in jail or were in exile. They were on the outside. Now they have to build coalitions and a democracy that took us many years to achieve in this country. I think sometimes we forget that fact.

Last week, Hassan al-Suneid, a Shiite legislator and adviser to Prime Minister al-Maliki, was quoted in the Washington Post. This is what he said, an adviser to al-Maliki:

> If the Americans withdraw, the militias and the armed groups will attack each other, and that means a sure civil war. What concerns me really is that U.S. troops might submit to the Democrats' decision and withdraw without thinking about Iraq's situation and what will happen to the Iraqi people.

We owe it to the sacrifice of the brave servicemember, we owe it to the Iraqi people, and we owe it to our children and grandchildren. Give our soldiers everything they need to win, and if Iraq doesn't step up, then it will be time to go but not until then.

We haven't given enough time to see if the surge is working. July 15 was supposed to be an interim White House update. We know the 16 benchmarks. It is my understanding eight are proceeding as planned, eight are not, and two are mixed signals. We know the surge has enabled a number of things to happen, such as a new engagement strategy, which I will talk about in a minute. It is called the joint security stations. We have gotten a huge increase in tips. Tips are pieces of information that come from the Iraqi people that tell us where IEDs are, that tell us where individuals are, where terrorists are. These are the qualified tips. They are accelerating on a daily basis. It has enabled us to stage offensives throughout Iraq without significantly diluting our troops in Baghdad. It has enabled the commanders to chase down al-Qaida and keep them from regrouping and attacking areas that have been historical sanctuaries of al-Qaida.

September 15 is when General Petraeus will give us a report. Let's not forget, that is what the law says. We passed a law. We passed a law either in March or May. The law says September 15 is the date he will come forth, this great general, General Petraeus, who is over there right now. It will give him time to say what our situation is and what we should do if a change is necessary. We owe it to him at this time.

A total surge, of course, has just been in place for 2 weeks. We have some good indicators that the time to make that kind of change is September. We cannot change the terms of the deal now. That was the deal, and that is written into law.

My colleague Senator DEMINT stated it well:

> If we're going to govern effectively, we can't change our minds every week.

Let's not give a knee-jerk reaction to the headlines of IEDs and sectarian killings. This is exactly what the enemy is aiming its propaganda toward. I recognize this is not the fight we thought we were going to be getting

into, but it is the fight that is before us now.

I admire Prime Minister Maliki's assessment. I quote him again:

> A fundamental struggle is being fought on Iraqi soil between those who believe that Iraqis, after a long nightmare, can retrieve their dignity and freedom, and others who think that oppression is the order of things and that Iraqis are doomed to a political culture of terror, prisons and mass graves.

I want to share one last point. Before I do, I want to put up a chart. If my colleagues will remember, we had the Webb amendment which would have dictated terms of how we do our troops deployments. At that time, I used this chart. We have to keep in mind that one of the problems we had in orchestrating a surge and trying to address this now is that we went through a pretty tough climb back in the 1990s.

As this chart shows, if we look at the black line, this is the 1993 baseline increase by inflation. In other words, if we did just what we took in 1993 and only increased it by inflation, this is where we would be in the year 2000. The Clinton administration is represented by this red line. If we take the difference between the status quo and what his recommendation was in his budget, it is $412 billion total. We, in our wisdom, saw we were able to raise it to this green line in the middle. But it still is $313 billion less.

I suggest that a lot of that represents our troop levels because the most expensive thing we have in defense is the troop levels. We are in the situation now where we have to see if this is going to work, if it changes, the surge, General Petraeus and all his efforts are taking place.

I mentioned the President's speech of January 10. I did it for a reason because I went back and reread that speech. If you read it, it talks about the victory being in a bottoms-up situation. In other words, instead of the top down, from the top political leaders down, it is going to be from the roots, from the people in these various communities. That is exactly what I witnessed.

Mr. President, I will share with you what I witnessed the last time I was there. Keep in mind that just a few weeks ago, long before the full surge effect was taking place, I spent a lot of time in Anbar Province in Ramadi, Fallujah, as well as in Baghdad. I saw some changes. I think a lot of it was due to the fact that we have had a lot of the cut-and-run or surrender resolutions and the Iraqi people are very much concerned that is what we are going to do, and that all of a sudden got their attention.

What I will share with you, Mr. President, I know we spend a lot of time and it is important we talk about the political leaders. Al-Maliki, we do talk about him. He is the Prime Minister. We talk about Prime Minister Jasim and Dr. Rubaie. What I noticed last time is a bottoms-up dramatic improvement, not coming from the political leaders but the religious leaders. This is what I witnessed.

My colleagues might remember, we stood on the Senate floor a year ago and said the terrorists are saying Ramadi will become the terrorist capital of the world. Now Ramadi is secure. If you go next door to Fallujah—and we remember the World War II type of door-to-door activities that were taking place there. The marines did a miraculous job, but Fallujah at the time I got over there on this last trip was secure. The important thing is it was secured by the Iraqi security forces. They were the ones providing security at that time.

I mentioned a minute ago the joint security stations. This is a bottoms-up type of thing. I noticed in Baghdad, where, instead of our troops going out into the field and coming back to the Green Zone at night, they stayed out there. They bed down in the homes with the Iraqi forces. I talked with people who experienced this, theirs and ours. I didn't see that in any of the previous trips over there.

If I can single out one thing that is causing the bottoms-up improvement we have seen so far as a result of this surge announcement that was made just a few months ago, it would be the attitude of the clerics and the imams in the mosques. We monitor these, by the way. Our intelligence is at all these mosque meetings where they meet once a week. As most of us do on Sunday in our churches, mosques meet at different times. Nonetheless, they have weekly services. In weekly services prior to January of this year, 85 percent of the messages that were given in the mosques by the clerics were anti-American messages. They started reducing, and by April we went through the entire month without one mosque giving an anti-American message. That is why we are getting the support of the people, the bottoms-up we are talking about and the President was talking about back on January 10. We are seeing these individuals doing the same thing.

I don't think there is a person watching us or present in this Chamber today who isn't from a State that has such programs as the Neighborhood Watch Programs. That is what they have over there right now, and they are watching and they are going around with spray cans and spraying circles around undetonated IEDs so that our troops don't get into them. This is the type of cooperation we have not seen before.

This is what the President asked for on January 10. I think anything prior to our legal timeline of September 15 and getting an ultimate report from General Petraeus would be a great disservice to our fighters over there as well as to Iraqis.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the senior Senator from Rhode Island for allowing me to go ahead of him to deliver some remarks on the general Department of Defense authorization bill. Senator REED has not only been a strong supporter of our military, but he has an understanding that is unique for somebody who is a West Point graduate. As we move forward with this debate on Iraq, his understanding of Iraq is second to none, given the fact that he has been with this issue from the beginning. He has made 10 trips into Iraq to understand the situation on the ground. We very much look forward to his continuing leadership and contribution to the debate.

Today, I rise because I want to praise the work of Chairman LEVIN, Senator WARNER, Senator MCCAIN, Senator REED, Senator NELSON, and the members of the Armed Services Committee for developing a very good, excellent product for us to consider in the Department of Defense authorization bill.

As the Senate debates this week on the keystone issue of our time with respect to U.S. involvement in Iraq, we must not lose sight of the importance of maintaining a strong national defense. That strong national defense is what is at the heart of the 2008 Department of Defense Authorization Act.

The bill is a strong statement of support for our men and women in uniform. It gives our military the tools it needs to confront an increasingly complex and dynamic set of threats that we face around the world. It is a bill that will help assure our military remains the best equipped, the best trained, and the best led fighting force in the world. Today, our men and women in uniform are serving honorably around the world. In the mountains of Afghanistan, they are tracking and killing al-Qaida and resurgent Taliban operatives who are resisting the move toward democracy. In Iraq, they are confronting the monumental task of stabilizing and rebuilding a country that is caught in the middle of sectarian violence and a spiraling, what many of us have concluded is an intractable civil war. In the horn of Africa, in the Balkans, and elsewhere, they are looking to bring peace, hope, and security to those war-torn areas of the world.

I am immensely proud of the work of our troops both abroad and at home, for our National Guard, Reserve, and Active-Duty troops protect our homeland and help us respond to the threats of hurricanes, fires, and floods. I know all my colleagues share the appreciation I have for the work of our military, and I know this shared appreciation gives us much common ground from which to work. We all agree that our military must remain the strongest and best equipped in the world, that our Nation's defense is the Federal Government's top priority, and that our military families and our veterans deserve the best our Nation can provide. Because we agree on these principles, this bill rests on a solid, bipartisan foundation, and it is a bill we

must pass in Congress and let it be signed by the President. Unfortunately, in the press you won't hear much about many of the provisions that are in this bill, and we won't hear much about where we do see eye to eye and what we have a consensus on with respect to the DOD bill. You probably won't hear much about how we agree we need to expand our military, that our troops need to have more MRAPs, Strykers, and other equipment in the field immediately; that more resources are needed to protect our troops from IEDs; that our assets in space are too vulnerable to disruption or attack; that we need to continue to bolster our military warning and defense system, and so on. We won't hear much of that in the debate here in the week ahead.

But the fact is this bill comes to us at a critical time in our Nation and it is one of the largest steps this body has ever taken toward strengthening our defense, refurbishing our military—which is under so much strain in these times—and making good on our promises to care for our military families and our veterans.

I want to briefly illustrate the impact this bill will have by briefly describing how it will help our troops and their families in my State of Colorado. We in Colorado are proud to be the home of some of the crown jewels of our Nation's defense and homeland security. Fort Carson, Peterson Air Force Base, Buckley Air Force Base, Schriever Air Force Base, Cheyenne Mountain Air Station, and the Air Force Academy are all in my home State of Colorado, as are the headquarters for Air Force Space Command and Northern Command.

I have spent a lot of time at those bases meeting with our military leaders, and the commanders there are clear about their needs and their priorities. I am pleased to report to them that the Armed Services Committee, in the bill now being considered by this Chamber, has transferred many of their priorities into the bill and will make them a reality if we can get this bill signed by the President of the United States. Those priorities include: military construction, equipment, weapon systems, and health care—those things that are important to make our military strong.

The military construction authorization in this bill will help us keep on track with BRAC realignments and needed infrastructure improvements. At Fort Carson in Colorado we are in the midst of a very significant BRAC-directed expansion that will almost double the size of the Mountain Post. Two additional brigades are coming to Colorado Springs, and we are doing all we can as a community to welcome these soldiers and their families to Colorado.

The bill includes $470 million in authorization for military construction at Fort Carson, some of which will go to the construction of a new headquarters for the 4th Infantry Division and a new brigade complex for the 1st Brigade, and new barracks for our soldiers.

For the Colorado National Guard at Buckley Air Force Base in Denver, CO, we have added an authorization for $7.3 million for a squadron operations facility to replace an outdated structure that houses the F–16s of the 140th Air Wing of the Colorado National Guard.

On the equipment side, this bill responds to the rapidly growing needs of the services to refurbish, replace, and modernize equipment that is being worn out in Iraq and Afghanistan. Recognizing that the President's request for equipment for our troops was not sufficient, this bill expands the authority for war-related procurement by over $12 billion. I am particularly encouraged with the bill's inclusion of $4.1 billion to fulfill the military services' unfunded requirements for MRAP vehicles, whose V-shaped hulls are proving invaluable in reducing casualties from IEDs. This builds on an effort Senator BIDEN led in March to include $1.5 billion in the emergency supplemental. Fort Carson soldiers told me how invaluable these MRAPs are, and this funding will see to it that we get more of those vehicles into the field as quickly as possible.

Mr. President, I see the majority leader on the floor, and I would be happy to yield to him, if he so chooses.

Mr. WARNER. Mr. President, if the distinguished leader will yield for a minute, I want to thank our colleague. I listened to his presentation and thank him for his reflections about the committee's work under the leadership of Senator LEVIN and Senator MCCAIN on the underlying bill. Eventually, I presume, we will focus more attention on that, but it is important to the Senator's State.

The State of Colorado is one of the rocks in our overall defense system of this country, and I wish more people knew how important Colorado's citizens are in giving their support to our men and women of the Armed Forces who proudly serve us from that State. I thank the Senator for his contribution.

Mr. SALAZAR. I thank my friend from Virginia.

Mr. REID. Mr. President, before my friend from Virginia leaves, I note that 40 percent of the State of Nevada is restricted military airspace—40 percent of it. It is all controlled by the military.

Mr. WARNER. Amazing.

Mr. REID. We have Nellis Air Force Base which, as you know, is such a great facility for training our fighter pilots. That is for the Air Force. In the northern part of the State, as you know, we have the Naval Air Training Center, which is for the Navy. If you want to be a Navy pilot, you have to go to Fallon to get your Ph.D. The same as if you are an Air Force pilot, you have to go to Nellis to get your training. It takes so much of Nevada's land to fly over to become the Ph.Ds in fighter training.

Mr. WARNER. The citizens of your State have given 100 percent support to these military people all these years. They may miss a little bit of that airspace, but they are proud to have them there.

Mr. REID. I wanted to brag about Nevada a little bit.

You know, the interesting thing, I say to my friend from Virginia, Nellis Air Force Base—when it was started during the Second World War, it was known as the Las Vegas Gunnery School, and then it became Nellis Air Force Base—named after someone from Searchlight, NV, by the way, Bill Nellis—was on the outskirts of Las Vegas. Now it is in the middle of Las Vegas. But the people of Las Vegas support that base. They protect that base. Nobody criticizes an airplane being a little too loud. We love Nellis Air Force Base.

Mr. WARNER. Mr. President, Nellis Air Force Base is well cared for in the current authorization bill before this body.

Mr. REID. Mr. President, I ask unanimous consent that the Durbin amendment No. 2252 be withdrawn; that the McConnell amendment No. 2241 be agreed to; and that the Cornyn amendment No. 2100 be agreed to; and that the motions to reconsider be laid on the table.

Before there is acceptance or rejection, let me say this, Mr. President. We have read the Cornyn amendment. We believe it should have a 50-vote margin, like all other amendments, but we are even willing to go a step further with this amendment. We will just accept it, and that is what the consent is all about. We accept the Cornyn amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, we, under our leadership of Senator MCCONNELL, have a request for a rollcall vote on the Cornyn language. We would object to a unanimous consent request to agree to the amendment because there is a desire, a strong desire, to have a recorded vote on this important issue; that every Senator express his or her desire on this amendment.

Having said that, we also want to check with the sponsor of the amendment to see if he wanted to make further comments prior to a vote. Again, we are confident we would be prepared to set that vote for a reasonable time tomorrow after we consult with the proponent.

Therefore, I object to the request, and I propose we revisit this in the morning to see if we can find a time certain for a vote on the Cornyn language.

Mr. REID. Mr. President, we would be happy to revisit this in the morning. We agreed to a reasonable time agreement on this and to have an up-or-down vote. We are in favor of that, a recorded vote. We will take a recorded vote or we will take a voice vote—

whatever the sponsor of the legislation and the Republican leadership wants.

I say, however, that there is an effort to delay this matter. It appears very clear that the purpose of the Republican minority is to obstruct what we are trying to do, and that is complete work on this Defense authorization bill, including an up-or-down vote on Levin-Reed. But I appreciate the opportunity to revisit this in the morning, and I look forward to that.

The PRESIDING OFFICER. Objection has been heard.

Mr. WARNER. Mr. President, I thank the distinguished leader for his understanding and the representation that we can resolve this issue tomorrow, and I know our leader is anxious to hopefully get through the various procedural matters relating to the underlying authorization bill so that can move forward.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I have about 5 more minutes to complete my presentation, and then I know Senator JACK REED has probably about 20 minutes as well to speak on the issue.

Mr. REID. Mr. President, may I be heard briefly. I so apologize to my friend from Colorado for interrupting his speech. He was gracious. I didn't hear him yielding the floor to recognize me. I thought he was finished. I apologize. This is very typical of the Senator from Colorado to think of others before he thinks of himself. I apologize for not recognizing his courtesy.

Mr. SALAZAR. Mr. President, I thank the majority leader for his statement. Frankly, it was not great interruption. He had major procedural business to bring before the floor of the Senate and I very much understand.

The budget authority for the Air Force is equally robust, putting additional money behind some of our key space and missile defense programs. Many of our communications, intelligence, and missile detection satellites—a large number of which are flown by the 50th Space Wing out of Buckley—are reaching the end of their lifespan. Every day, though, they grow more and more central to troops on the ground.

The bill provides important investments in our space assets, including $126.7 million for the Space-Based Infrared Satellite System to replace outdated missile detection satellites, and another $300 million to improve our space situational awareness, to help address concerns raised as a result of the Chinese antisatellite test earlier this year. Ask the space professionals, as I have at Schriever, Buckley, or Peterson Air Force Base, and they will tell you how much these investments are needed.

Beyond the funding for equipment and facilities in the bill, however, there are several key quality-of-life provisions in this legislation that the Armed Services Committee has brought before us. Supporting our troops, after all, means we support them in the field and we support them at home. We should help them be successful not just as soldiers but as mothers, fathers, sons, daughters, husbands, and wives. Part of our support includes passing the Dignified Treatment for Wounded Warriors Act, which we passed last week. The bill requires the Secretaries of Defense and Veterans Affairs to create a comprehensive policy for servicemembers who are transitioning from the DOD health system to the VA system. As evidenced by Walter Reed, the current system is not up to the standards that any of us would want for our men and women who have served our country so proudly.

I am also pleased that the underlying bill includes a 3½ percent pay raise for our military personnel, it rejects the administration's proposal to raise TRICARE fees, and requires the DOD to develop a plan to address the findings of an internal assessment of the well-being of soldiers and marines in Iraq. These steps are all important for the quality of life and health of the servicemembers of our Armed Forces.

Mr. President, I again thank Chairman LEVIN, Ranking Member MCCAIN, Senator REID, Senator NELSON, and others who have been involved in taking such a large step forward for our Nation's defenses, and which provides so much common ground from which we can work. It is a solid bill. It is a solid bill which I hope will be further strengthened by the time it passes this Chamber.

I want to very briefly speak about four amendments that I have filed. First, I have filed an amendment with Senator ALEXANDER to implement the recommendations of the Iraq Study Group, and I look forward to the debate on that amendment in more detail later this week. We need to find common ground on how we move forward with the United States policy in Iraq.

Second, Senator MCCONNELL, Senator ALLARD, Senator BUNNING, and I have filed an amendment, amendment No. 2061, to set 2017 as a hard deadline for chemical weapons destruction and to increase funding for the weapons destruction programs at Pueblo, CO, and in Bluegrass, KY. Our amendment adds $44 million for MilCon, military construction, funding at these sites.

Third, amendment No. 2110; that will help the Department of Defense protect military installations against encroaching development. My amendment builds on recently released DOD and RAND Corporation reports and pushes the Department to allocate additional resources, provide additional staff, and more aggressively implement the authorities Congress provided to confront the encroachment challenges at many of our bases. Fort Carson, in my State of Colorado, is a prime example of how an effective DOD encroachment program can make sure the military training at the facility is not compromised by development. At other places and other bases in my State—Buckley Air Force Base, Schriever, and Peterson—the Air Force and we in the Congress have a lot more to do to make sure we don't compromise the military training mission of those facilities.

Finally, Senator SESSIONS and I have filed an amendment to provide better support for the Paralympic programs that serve our servicemembers and veterans. My amendment will allow the Office of Special Events at the Department of Defense to provide transportation, logistical support or funding for the Paralympic Military Program and for certain national and international Paralympic competitions. The Paralympic program is invaluable to wounded warriors who are recovering from injuries, and DOD should be allowed to assist with the program when it benefits our servicemembers and veterans.

Again, I thank the leadership of the Armed Services Committee and all its members for bringing forward a bill that is truly a very solid, excellent bill.

I thank my colleague, Senator REED, for his indulgence in letting me precede him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I ask the distinguished assistant Democratic leader, I believe that business for today is concluded with respect to consents from the other side. Am I not correct on that? We will have the benefit of the remarks of the distinguished Senator REED, and then he will wrap up, including two resolutions which we have on this side; am I correct in that?

Mr. DURBIN. I would say to the Senator from Virginia, I am not aware of any other business to come before the Senate.

Mr. WARNER. Is that the understanding?

Mr. REED. That is my understanding. I have no knowledge of any.

Mr. WARNER. I am told by the floor staff there will be no request for consents tonight.

Mr. DURBIN. That is correct.

Mr. WARNER. I appreciate the assurances of the assistant leader.

Mr. REED. Mr. President, today we are facing a critical juncture regarding our operations in Iraq. We can continue with a policy that is straining our military, putting excruciating strain on our military and their families, which is diminishing our standing in the international community and which is rapidly losing the support of the American public—in sum, a policy that cannot be sustained—or we can change, we can make a transition of this mission to focus on objectives that are feasible, to begin a reduction in our forces which will relieve the stress on our military and their families, to initiate complementary and comprehensive diplomatic, political, and economic efforts to engage Iraq's neighbors and the rest of the world in bringing a degree of stability to that country.

I believe it is time for such a change. That is why I have joined many of my colleagues, particularly Senator LEVIN, to propose an amendment to do that. This amendment would first call for a beginning of a reduction of American military forces 120 days after the passage of the legislation. It would give the President the flexibility to pick the precise moment and the precise number of forces and to develop a timetable for their departure. Then it would call for the transition to specific missions by next spring, and those missions would include counterterrorism operations, since we can never give up in our attempts to preemptively attack and destroy terrorist cells—not just in Iraq but in, unfortunately, many other parts of the world.

Second, it would allow the American forces to continue to train Iraqi security forces.

Third, it would clearly state we will protect our forces wherever they are, particularly in Iraq.

It also talks about a very comprehensive diplomatic effort. One of the dramatic failings of this administration has been a one-dimensional policy—military force alone, in most cases unilateral military force. That one-dimensional policy defies strategy, it defies the operational techniques of counterinsurgency, and effectively, I think, has led us, in large part, to Iraq today where we are in a very difficult situation.

As all of our commanders have said persistently over the course of this entire conflict: Military operations alone will not lead to success. They will buy time, they might provide some political space, but they will not lead to success. They are merely a complement and a prelude to the economic, to the political, to the nonmilitary forces that are essential to prevail in a counterinsurgency, stabilize a country, and to ultimately prevail in the type of operation we are witnessing in Iraq.

I believe the President had an opportunity last January to chart a new course. The American people spoke very clearly in the November elections. They wanted change. The Iraqi Study Group, a combination of some of the most gifted minds on both sides of the aisle with respect to foreign policy, gave a framework that talked about and hoped for a redeployment of American forces and significant engagement in diplomatic activities. All of this was at the hands of the President. He essentially said, no, we are going to do a lot more of the same—or a little more of the same. I think at that point, frankly, the American people understood the President wasn't listening or, if he was, it was not getting through.

As a result, I think they began to become very much disenchanted with the course of action of this administration. I don't have to tell anyone in this Chamber or across the globe that this is a decisive turning point in their demands that we act, that this Senate and the House of Representatives take significant action. We are trying to respond to that legitimate concern of the American people by the Levin-Reed amendment that we have proposed.

The President said the goals for the surge were to support Iraqi efforts to quell sectarian violence, ensure territorial integrity and counter Iranian and Syrian activity, encourage strong democratic institutions, and foster the conditions for Iraqi national reconciliation.

The heart of it, as he suggested and others have, was to give the Iraqi leaders the ability to make tough political decisions which were essential to their future and to our continued engagement in Iraq.

Principally among them was to jump start the reconciliation process, bring the Sunni community into government and the civic life of Iraq, to pass legislation to fairly distribute the proceeds of oil revenue, the major source of revenue in that country, and to take other steps—including provincial elections. None of that has been effectively accomplished.

So if the premise of the surge was to create tactical momentum for political progress, some tactical momentum may be there but very little, if any, political progress. That, I believe, is the reality.

These goals, this effort was difficult for an extra 30,000 troops to accomplish. But it was made much more difficult because of a series of fundamental operational mistakes and strategic flaws that this administration has been engaged in since the beginning of their operations in Iraq. We know that soon after we arrived in Baghdad, after a very successful conventional attack, there were insufficient forces to occupy the country and chaos broke out. The Coalition Provisional Authority, the CPA, embarked on a debaathification program that denied employment and livelihood and, in a sense, hope to thousands of individuals—teachers, bureaucrats—who had been part of the prior regime, mostly because it was the only way they could hold their jobs, and left, particularly the Sunni community, in a situation where they questioned whether there was a place for them in the new, emerging government.

The CPA disestablished the Army; 500,000 individuals with training suddenly found themselves without a future and very quickly many of them found themselves in the insurgency, for many reasons. The Government, the administration, failed to garner support from regional powers to help.

Then the administration embarked on a series of elections. These elections demonstrated the procedure of democracy. But what they failed to grasp, the administration particularly, is that elections alone are insufficient unless there is a governmental capacity to translate those elections into an effective government that serves the needs of its citizens. So we have demonstrations of thousands of Iraqis, hundreds of thousands, millions going to the polls. But what happened is they didn't elect a functioning government. They became even more frustrated when they recognized that the Government in Baghdad today doesn't work for them.

All of this was summed up, I think very accurately, by former Secretary of Defense William Perry, on January 25, before the Armed Services Committee, where he stated:

> We may never know whether our goal of achieving a democratic stable government in Iraq was in fact feasible, since the administration's attempts to do so were so burdened with strategic errors.

So we start now in a real strategic deficit. Unfortunately, I think the President continues in that vein. The President announced the surge in January: 30,000, roughly, additional forces. It took them many months finally to get in place. The administration claims that since June 15 they have been in place. This was not a surge in the classic military sense of overwhelming force applied rapidly. It was a slow, gradual escalation of a limited force because our force structure limits what we could do. From the very beginning, the ability of this force, deployed in a slow manner, to decisively influence the action on the ground was highly questionable.

I had the opportunity a few days ago to go to Iraq. Many of my colleagues have gone. I was able to travel not only into Baghdad but to get into the countryside to visit forward-operating bases, patrol bases, company-sized bases that are the new disposition of our forces.

First, let me say, as always, I was impressed with the extraordinary professionalism and commitment of the soldiers and marines, the sailors and the airmen who serve us so well. They are doing a superb job. But my conclusion, after spending these 2 brief days in the field, was their tactical momentum, changing the nature of the battlefield, has not, as I said, translated into the political progress needed to truly bring security and stability to Iraq.

And then something else too, the nonrebuttable fact that I see constantly; that is, this surge will come to an end later next spring, not because we have succeeded, not because we have achieved our objectives, but simply because we cannot continue to deploy 160,000 troops in that country. That is a function of our limited forces. Unless the President is prepared to adopt Draconian personnel policies, not 14- to 15-month tours but 18- to 20-month tours; unless he wants to continue to rely upon significant stop-loss, where individuals who are able to leave the service are prevented from doing so; unless he is prepared to do those things, then by next spring the surge ends.

So I think it is appropriate, if we are seeing a situation where just months from now we are going to lower our forces, that we should start thinking

right now of how we do it in a way which will enhance the security of the United States, which will represent to the American people a new direction which they are clamoring for, and which can be sustained, not only in terms of material and personnel but in terms of the support of the American people.

In my opportunity to visit Iraq, I had a chance to sit down with General Petraeus and Ambassador Crocker. They have suggested that they consciously recognize the limitations of our overall infrastructure. They also indicated that they were ready, probably sooner than September, to make a declaration of their advice to the President. I do not think we should wait, either. I think this debate is timely, the legislation is timely, and we should move forward.

Now, we received additional information just a few days ago in the nature of the interim report with respect to the status of the benchmarks. There is an appearance that the military situation in terms of the reliability of Iraqi Army units is encouraging to a degree. But there is still a great deal of work to do with the police force, which is a major component of any type of stable society.

In addition, I think if you drill down below the superficial, there is still the nagging question of the reliability, the political reliability, the professional reliability, of these forces, particularly their leadership. That is something which I think is still in great doubt.

But if you look at most of the political area, there is a string of unsatisfactory grades. The President's report found unsatisfactory progress of enacting and implementing legislation on debaathification reform. Essentially, what we are seeing is a huge conflict between the Sunni and Shia communities, and this conflict is not being abated by the wise action of the Government, a Shia government, to allow Sunnis fuller participation in the civic life and the political life of Iraq.

We are seeing unsatisfactory progress on enacting and implementing major legislation to ensure equitable hydrocarbon resources, distribution of oil and petroleum proceeds. We are seeing unsatisfactory progress on establishing a provincial election law, establishing provincial council authority, and setting a date for provincial elections.

One of the problems that has been nagging in the election process for the last several years in Iraq is that the Sunni community did not participate in significant elections, and therefore they are not adequately represented in certain areas. So, as a result, they haven't got this sense of participation of ownership that is so necessary. Until we have provincial elections, this will continue and further provide excuses, if not real reasons, for Sunnis not to participate fully and not to cooperate fully with the Government and with our forces in the field.

The report also talked about unsatisfactory progress toward providing Iraqi commanders with all authorities to make tactical and operational decisions in consultation with U.S. commanders without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shia militias. Here is that very-difficult-to-measure factor about the subjective quality of these commanders and leaders—whether they can operate without political interference or whether they are wittingly or unwittingly extensions of the political party.

Just today, if you saw the New York Times, there was an interesting article about how our American forces in Anbar Province were making progress with Sunni tribes, previously our enemies, our opponents, who now were rallying, not necessarily because they agree with us but because they recognize how ruthless and how much al-Qaida is targeting them in going after them. Now, that is progress we should recognize.

But what is disconcerting is the report that the regular Iraqi brigade in that region, primarily Shia, is actually trying to interfere, even in some cases suggest an attack on those Sunnis tribespeople because they see this as a force that will threaten them as they go forward—another example of this Sunni-Shia divide, which is a very difficult political chasm to try to bridge in a short period of time, and that is what we face today in many parts of Iraq.

We also saw unsatisfactory progress in ensuring the Iraqi security forces are providing evenhanded enforcement of the law and unsatisfactory progress as far as limiting militia control of local security. It is a very difficult situation in many respects.

Now, military operations—our military operations are critically important, but here is another reality that I think escapes so many people. Ultimately, only the Iraqis can provide a solution to these political problems, to these sectarian divides. We can suggest what they should do, but unless they do it, these divides will continue to paralyze this country and continue to undermine our efforts to help them stabilize their own country.

I don't think, given the fundamental nature of those issues, that the next 6 weeks until September 15 will make a profound difference. It has been suggested by many commentators that the ability of the Iraqi Government to function—even participate over the next several weeks is limited. So for those people, my colleagues, who call: Wait for September 15, I don't believe or hope that they are suggesting that those profound political problems will be somehow miraculously cured in the next 6 weeks.

As I said before, the inescapable fact, to me, is that by next April, we won't be able to generate 160,000, that somehow our military, sooner rather than later, will have to declare that there is a new strategy that rests not on the surge but on a much smaller force or at least a smaller force, and that force has to deal with these problems or has to deal in a way which the American people will support their continued presence in Iraq. That signal is today for a change in policy, not in September, not next spring, but today.

Now, I alluded to the lack of public support. Some would suggest, well, that is not important. You know, tough leaders have been in situations where the public did not support them. Well, the reality that I learned a long time ago, serving in the military, going to West Point, is that public support is a critical and necessary element of any national security strategy; you can only go so far and so long without it.

We are reaching a point where the American public is clearly declaring that they are deeply concerned about what is going on, deeply distrustful of the President's policy, and my fear, frankly, is unless we take prudent action today, unless the President takes prudent action, that their tolerance for any significant engagement might erode completely by next spring, leaving us with fewer options then than we have today.

A July 6 through 8 Gallup poll found 62 percent of Americans felt the United States made a mistake in sending troops to Iraq. A July 11, 2007, Newsweek poll found that 68 percent of Americans disapproved of the way President Bush was handling the situation in Iraq. This is significant because I suggest it undercuts the necessary ingredient of public support for any major military strategic policy. As the President continues to be intransigent and as many of our colleagues give him the luxury of that intransigence, I fear that the American public becomes increasingly disheartened, increasingly desperate, and increasingly unwilling to listen to policies that will provide for a phased and orderly transition of our mission in Iraq.

We also understand the huge cost of this war. We have appropriated $450 billion. As many of my colleagues point out, the Congressional Budget Office estimates that we are spending about $10 billion a month. That, too, is very difficult to sustain because most of this is being financed, if not all of it, through deficit spending, which means we are passing on to the next generation of Americans a huge bill.

But, also, these are real opportunity costs. How are we going to reestablish, in a very narrow vein, our military, in terms of the personnel, their equipment, when the effort is essentially completed one way or the other? How are we going to provide for the next generation of military equipment, the next generation of military tactics and techniques and support personnel if our budget is in such disarray as it is now? I am not even beginning to comment on the huge costs that are unmet in this society in terms of health care, in terms of education, in terms of those forces and those ingredients of national

power, broad national power that are so essential.

As I said earlier, these operations are posing an excruciating stress and strain on military forces. The high operational tempo is really taking its toll on the troops and on their families. Since 2002, 1.4 million troops have served in Iraq or Afghanistan. Nearly every nondeployed combat brigade in the Active-Duty Army has reported that they are not ready to complete their assigned war mission. These are the troops who have come back from Iraq, from Afghanistan. They are not ready to perform their mission.

We all can remember—I can, at least—Governor Bush talking up before a large crowd in his election campaign and criticizing the Clinton administration because two divisions, as he said, were not—if they were asked to report, they would say: Not ready for duty, sir, to the President. That pales in comparison to the lack of readiness we see today in our military forces. Nearly 9 out of every 10 Army National Guard forces that are not in Iraq or Afghanistan have less than half of the equipment needed to do their job. Their job now is to provide support for Governors in disasters, in problems that are related to their home States.

As I said again and again, military planners do not see how we can sustain 160,000 troops beyond next April. We also recognize that our policies of go-it-alone, our policies of virtually unilateral action are increasingly alienating opinion throughout the world. Once again, to accomplish anything significant, to rally diplomatic forces, to rally all of the forces throughout the world to help us achieve our end, you have to start on the basis of at least understanding and support. We have seen that deteriorate.

We have seen also the situation where, because of our concentration in Iraq, al-Qaida now is resurgent. That is the conclusion of the National Intelligence Estimate that was talked about in the press just last week. We are seeing a situation where Iran is increasing its strategic power. One major factor is the fact that we are tied down with 160,000 troops in Iraq. We are tied down in a way in which many of the individuals in the Iraqi Government whom we depend upon to do and take the actions where it is essential to our success have close personal and political ties to the Iranians. They talk to them on a weekly basis. They take certain directions from them. We are in a situation where our position in Iraq—unwittingly, perhaps—has strengthened the Iranians. We cannot effectively talk about another major military operation when we are having a very difficult time supplying and supporting this operation.

We have effectively taken out two of their traditional opponents in the region, and most difficult and dangerous opponent, the Taliban regime in Afghanistan and Saddam Hussein in Iraq. They now have strategic space. They are using it. They are using it to encourage Hezbollah and Hamas. They are using it to try to achieve nuclear fuel cycles and, on many days we all feel, perhaps, even a nuclear weapon. So what we have seen also is that as these developments take place, the world's opinion is rapidly turning against us.

We are seeing disturbing events in Pakistan and elsewhere where there is a concentration of al-Qaida leadership. I, like so many of my colleagues, was most disturbed a few weeks ago when American news broadcasters were showing films of a graduation ceremony of hundreds of individuals somewhere in Pakistan who were leaving to go off and pursue their jihadist terrorist activities around the world. That is a frightening but real situation.

As a result, Senator LEVIN and I have worked with our colleagues and have proposed an amendment that responds to these different issues and different threats and also the reality of the situation at home and in Iraq. I am pleased we are supported in our efforts by so many, including our colleagues, Senators HAGEL, SMITH, and Senator SNOWE. This is a bipartisan amendment. It recognizes what the American people are demanding, a change in direction, and what the status on the ground and the status of the military require also, a change in direction. It calls for protecting U.S. and coalition forces, continuing our fight against terrorism, and training Iraqi security forces to step up and discharge their responsibilities. It calls for a beginning of a phased reduction of forces, 120 days after enactment of the legislation. It also calls upon us to begin to take up the issue of real proactive, complimentary diplomatic, and political action that is so necessary to stability in the operation.

One of the factors the President talked about last January, and was alluded to by the Secretary of State and others, was the civilian surge to match the military surge—a surge in advisers, technicians, those people who can help the Iraqis organize their political processes at the city level, the provincial level, and their economic processes. That is not taking place as rapidly as necessary. We are at a critical moment, a moment not to delay but to take appropriate action, a moment to change the direction in Iraq, not simply to wait and wait and wait until events dictate we have to draw down forces. I hope we can prevail our colleagues to support our efforts. I will have more to say. I believe many of my colleagues will have much more to say tomorrow.

I urge passage of the Levin-Reed amendment.

MORNING BUSINESS

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

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

BILL MOYERS' EULOGY FOR LADY BIRD JOHNSON

Mr. DURBIN. Mr. President, we should all be so fortunate as to live a worthy life and at the moment of our passing have a person with the talent of Bill Moyers memorialize our time on Earth. On Saturday, Bill Moyers, the PBS journalist who served as special assistant to President Lyndon Johnson from 1963 to 1978, delivered a eulogy at Lady Bird Johnson's funeral service Saturday. He read from a text which I will now have printed in the RECORD.

I ask unanimous consent that the eulogy be printed in the RECORD.

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

[From statesman.com, July 15, 2007]

BILL MOYERS'S EULOGY FOR LADY BIRD JOHNSON

Bill Moyers, the PBS journalist who served as special assistant to President Lyndon Johnson from 1963 to 1967, delivered a eulogy at Lady Bird Johnson's funeral service Saturday. He read from this text:

It is unthinkable to me that Lady Bird is gone.

She was so much a part of the landscape, so much a part of our lives and our times, so much a part of our country for so long that I began to imagine her with us always. Now, although the fields of purple, orange, and blue will long evoke her gifts to us, that vibrant presence has departed, and we are left to mourn our loss of her even as we celebrate her life.

Some people arriving earlier today were asked, ''Are you sitting with the family?'' I looked around at this throng and said to myself, ''Everyone here is sitting with the family. That's how she would treat us.'' All of us.

When I arrived in Washington in 1954, to work in the LBJ mailroom between my sophomore and junior years, I didn't know a single person in town—not even the Johnsons, whom I only met that first week. She soon recognized the weekends were especially lonesome for me, and she called one day to ask me over for Sunday brunch.

I had never even heard of Sunday brunch, must less been to one; for all I knew, it was an Episcopalian sacrament. When I arrived at 30th Place the family was there—the little girls, Lady Bird and himself. But so were Richard Russell and Sam Rayburn and J. Edgar Hoover—didn't look like Episcopal priests to me. They were sitting around the smallish room reading the newspaper—except for LBJ, who was on the phone. If this is their idea of a sacrament, I thought, I'll just stay a Baptist. But Mrs. Johnson knew something about the bachelors she had invited there, including the kid fresh up from her native East Texas. On a Sunday morning they needed a family, and she had offered us communion at her table. In a way, it was a sacrament.

It was also very good politics. She told me something that summer that would make a difference in my life. She was shy, and in the presence of powerful men, she usually kept her counsel. Sensing that I was shy, too, and aware I had no experience to enforce any opinions, she said: Don't worry. If you are unsure of what to say, just ask questions, and I promise you that when they leave, they will think you were the smartest one in the

room, just for listening to them. Word will get around, she said.

She knew the ways of the world, and how they could be made to work for you, even when you didn't fully understand what was going on. She told me once, years later, that she didn't even understand everything about the man she married—nor did she want to, she said, as long as he needed her.

Oh, he needed her, alright. You know the famous incident. Once, trying to locate her in a crowded room, he growled aloud: ''Where's Lady Bird?'' And she replied: ''Right behind you, darling, where I've always been.''

''Whoever loves, believes the impossible,'' Elizabeth Browning wrote. Lady Bird truly loved this man she often found impossible. ''I'm no more bewildered by Lyndon than he is bewildered by himself,'' she once told me.

Like everyone he loved, she often found herself in the path of his Vesuvian eruptions. During the campaign of 1960 I slept in the bed in their basement when we returned from the road for sessions of the Senate. She knew I was lonesome for Judith and our six-month-old son who were back in Texas. She would often come down the two flights of stairs to ask if I was doing alright. One night the Senator and I got home even later than usual. And he brought with him an unresolved dispute from the Senate cloakroom. At midnight I could still hear him upstairs, carrying on as if he were about to purge the Democratic caucus. Pretty soon I heard her footsteps on the stairs and I called out: ''Mrs. Johnson, you don't need to check up on me. I'm alright.'' And she called back, ''Well, I was coming down to tell you I'm alright, too.''

She seemed to grow calmer as the world around her became more furious.

Thunderstorms struck in her life so often, you had to wonder why the Gods on Olympus kept testing her.

She lost her mother in an accident when she was five. She was two cars behind JFK in Dallas. She was in the White House when Martin Luther King was shot and Washington burned. She grieved for the family of Robert Kennedy, and for the lives lost in Vietnam.

Early in the White House, a well-meaning editor up from Texas said, ''You poor thing, having to follow Jackie Kennedy.'' Mrs. Johnson's mouth dropped open, in amazed disbelief. And she said, ''Oh, no, don't pity for me. Weep for Mrs. Kennedy. She lost her husband. I still have my Lyndon.''

She aimed for the consolation and comfort of others. It was not only her talent at negotiating the civil war waged in his nature. It was not just the way she remained unconscripted by the factions into which family, friends, and advisers inevitably divide around a powerful figure. She kept open all the roads to reconciliation.

Like her beloved flowers in the field, she was a woman of many hues. A strong manager, a canny investor, a shrewd judge of people, friend and foe—and she never confused the two. Deliberate in coming to judgment, she was sure in conclusion.

But let me speak especially of the one quality that most captured my admiration and affection, her courage.

It is the fall of 1960. We're in Dallas, where neither Kennedy nor Johnson are local heroes. We start across the street from the Adolphus to the Baker Hotel. The reactionary congressman from Dallas has organized a demonstration of women—pretty women, in costumes of red, white, and blue, waving little American flags above their cowboy hats. At first I take them to be cheerleaders having a good time. But suddenly they are an angry mob, snarling, salivating, spitting.

A roar—a primal terrifying roar swells around us—my first experience with collective hate roused to a fever pitch. I'm right behind the Johnsons. She's taken his arm and as she turns left and right, nodding to the mob, I can see she is smiling. And I see in the eyes of some of those women a confusion—what I take to be the realization that this is them at their most uncivil, confronting a woman who is the triumph of civility. So help me, her very demeanor creates a small zone of grace in the midst of that tumultuous throng. And they move back a little, and again a little, Mrs. Johnson continuing to nod and smile, until we're inside the Baker and upstairs in the suite.

Now LBJ is smiling—he knows that Texas was up for grabs until this moment, and the backlash will decide it for us. But Mrs. Johnson has pulled back the curtains and is looking down that street as the mob disperses. She has seen a dark and disturbing omen. Still holding the curtain back, as if she were peering into the future, she says, ''Things will never be the same again.''

Now it is 1964. The disinherited descendants of slavery, still denied their rights as citizens after a century of segregation, have resolved to claim for themselves the American promise of life, liberty, and the pursuit of happiness. President Johnson has thrown the full power of his office to their side, and he has just signed the Civil Rights Act of 1964—the greatest single sword of justice raised for equality since the Emancipation Proclamation. A few weeks later, both Johnsons plunge into his campaign for election in his own right. He has more or less given up on the South, after that legislation, but she will not. These were her people, here were her roots. And she is not ready to sever them. So she sets out on a whistle stop journey of nearly seventeen hundred miles through the heart of her past. She is on her own now—campaigning independently—across the Mason-Dixon line down the buckle of the Bible Belt all the way down to New Orleans. I cannot all these years later do justice to what she faced: The boos, the jeers, the hecklers, the crude signs and cruder gestures, the insults and the threats. This is the land still ruled by Jim Crow and John Birch, who controls the law with the cross and club to enforce it. 1964, and bathroom signs still read: ''White Ladies'' and Colored Women.''

In Richmond, she is greeted with signs that read: ''Fly away, Lady Bird.'' In Charleston, ''Blackbird Go Home.'' Children planted in front rows hold up signs: ''Johnson is a Nigger Lover.'' In Savannah they curse her daughter. The air has become so menacing we run a separate engine fifteen minutes ahead of her in case of a bomb; she later said, ''People were concerned for me, but the engineer in the train ahead of us was in far greater danger.'' Rumors spread of snipers, and in the Panhandle of Florida the threats are so ominous the FBI orders a yard-by-yard sweep of a seven-mile bridge that her train would cross.

She never flinches. Up to forty times a day from the platform of the caboose she will speak, sometimes raising a single white-gloved hand to punctuate her words—always the lady. When the insults grew so raucous in South Carolina, she tells the crowd the ugly words were coming ''not from the good people of South Carolina but from the state of confusion.'' In Columbia she answers hecklers with what one observer called ''a maternal bark.'' And she says, ''This is a country of many viewpoints. I respect your right to express your own. Now is my turn to express mine.''

An advance man called me back at the White House from the pay phone at a local train depot. He was choking back the tears. ''As long as I live,'' he said, in a voice breaking with emotion, ''I will thank God I was here today, so that I can tell my children the difference courage makes.''

Yes, she planted flowers, and wanted and worked for highways and parks and vistas that opened us to the technicolor splendors of our world. Walk this weekend among the paths and trails and flowers and see the beauty she loved. But as you do, remember—she also loved democracy, and saw a beauty in it—rough though the ground may be, hard and stony, as tangled and as threatened with blight as nature itself. And remember that this shy little girl from Karnack, Texas—with eyes as wistful as cypress and manners as soft as the whispering pine—grew up to show us how to cultivate the beauty in democracy: The voice raised against the mob. . . the courage to overcome fear with convictions as true as steel.

Claudia Alta Taylor—Lady Bird Johnson—served the beauty in nature and the beauty in us—and right down to the end of her long and bountiful life, she inspired us to serve them, too.

Mr. DURBIN. Mr. President, those of us who were fortunate enough to know Mr. Moyers understand what an extraordinary person he is. I hope those who read the remarks he made about Lady Bird Johnson will come to appreciate so much more the contributions she made in her life. She was a gracious and caring person. Bill Moyers' eulogy reminds us she was also a person of exceptional courage.

I join America in extending condolences to Lady Bird Johnson's family, to the family of our former colleague, Senator Charles and Lynda Robb, and to all those who mourn her passing, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first let me associate myself with the comments of Senator DURBIN about Lady Bird Johnson. I had the privilege and pleasure for many years of knowing a dear friend of their family, my dear friend, Warrie

Price and her family. She was there in Austin for the services.

Also, I had the privilege of serving with Senator Chuck Robb and knowing Lynda. I thank the Senator for recognizing those comments by Bill Moyers. When I spoke to my friend, Warrie Price, she said she had never heard anything as moving and as evocative and as fitting as the tribute by Bill Moyers.

I thank the Senator for including that in the RECORD for the American people to consider.

INDEPENDENCE DAY IN CAPE VERDE

Mr. REED. Mr. President, today with my colleagues in the Senate, I celebrate the anniversary of Cape Verde's independence on behalf of all America. This small African country of 400,000 deserves our recognition, particularly as it one of democracy's few success stories in the African continent.

The existence of Cape Verde's islands was first acknowledged by the Romans. But it was not until 1456 that the uninhabited islands were rediscovered by the Portuguese under the command

of Henry the Navigator. Six years later, Cape Verde was inhabited and incorporated as a colony of the Portuguese Empire. Its prosperity during the height of European colonialism was so great as to be the object of looting pirates, such as the infamous Sir Francis Drake. However, because of recurring droughts and the decline of the slave trade near the end of the 18th century, many Cape Verdeans emigrated from the islands to New England, many becoming productive members of America's whaling commerce.

In the 20th century, Cape Verde was affected by growing nationalism, fomented by disastrous economic circumstances during the Second World War. The tiny nation was subsequently suppressed by the authoritarian Portuguese regime. But in 1974 the Carnation Revolution in Portugal not only brought about the world's third wave of democracy but also meant independence for Cape Verde. On July 5, 1975, Cape Verde received its independence from Portugal.

Cape Verde's road to full democracy has been gradual, but nevertheless Cape Verde can now boast a prolific and fair government that received a perfect score in the Freedom House ratings for both political rights and civil liberties, the only African country with such an honor. I urge my colleagues in the Senate to join me in wishing the 350,000 Cape Verdean-Americans a happy Independence Day this Fifth of July.

VISIT OF POLISH PRESIDENT LECH KACZYNSKI

Mr. OBAMA. Mr. President, I rise to welcome Polish President Lech Kaczynski to Washington. Recognizing the rich history of cooperation between our two countries, I am happy to say, Witam Serdecznie w Washingtonie, Welcome to Washington.

The Polish President's visit reminds us that for the last 200 years America and Poland have been linked in the struggle for freedom. Today there is a strong legacy of sacrifice between the two nations—sacrifice for the cause of American and Polish freedom alike.

As early as the Revolutionary War, Polish patriots like Casimir Pulaski and Tadeusz Kosciuszko fought alongside American patriots—from Germantown to Saratoga—to help win our country's independence.

During World War I, Ignacy Paderewski, an unparalleled musician, helped lead the fight for a free and independent Poland. He became Prime Minister after the war, only to be forced into exile by the Nazi Occupation. After he died in exile in the United States, America gave this great friend of freedom a place alongside our honored dead in Arlington National Cemetery. There he would rest, in the words of President Franklin Roosevelt, ''until Poland would be free.''

It was a moving sight when, in 1992, President George H. W. Bush escorted Paderewski's ashes home to Poland. No one will forget seeing thousands of Poles lining the streets over the miles from the airport to the city center, waiting to see the horse drawn carriage.

It was the world's good fortune that a Pole infused with this same dedication to freedom and the dignity of all people was elected Pope at such a critical time. Polish Americans were thrilled at the election of Karol Wojtyla as Pope, a man who kept the faith when faith was forbidden.

At the same time, American Polonia's dedication to freedom in their native Poland was vital in ensuring that Soviet totalitarianism would not succeed. Millions of personal packages were sent to friends and family back home, and each package was a message of hope in dark days like—the imposition of martial law in 1981—of the Soviet Union.

The razing of the Iron Curtain provided opportunities to renew the linkage between Poland and America. Two centuries after the deaths of Pulaski and Kosciuszko, Poland and America became formal allies in NATO, institutionalizing the faith in freedom our countries have shared for centuries.

Since joining NATO in 1997, Poland has become one of America's most important strategic partners, dedicating troops and resources to our operations in Afghanistan and Iraq.

We now have an opportunity to build on this long and deep relationship. Here is how we can:

Renew the unity of purpose of the Transatlantic Relationship. The Bush administration's policy of splitting Europe into ''old'' and ''new'' was not just wrong, it was counterproductive. Poland should not have to choose between its vital interest in closer integration with Europe and its alliance with the United States. America must repair its relationship with Europe as a whole, so that Poland and our other Central European allies are never put in that position again.

Finish building a Europe whole and free. Poland has been a steadfast champion of liberty in the countries to its east. America and Poland should stand together to help Ukraine build a strong and stable democracy, and to help the people of Belarus regain their human rights. We also share an interest in working with Russia to meet common security threats and to encourage Russia's integration into Western institutions. But we should also embrace, not abandon, those in Russia working to preserve their hard won liberty, and draw clear lines against Russia's intimidation of its neighbors. Mr. President, 21st century Europe cannot be divided into 19th century spheres of influence.

Meet global challenges together. Not long ago, we looked to Poland as a country that needed American help in its own efforts to be free and secure; now we look to Poland as a critical partner in building a safer, freer world. We should work with Poland to secure more European troops, with stronger rules of engagement, to stabilize Afghanistan. And we should work together to send an unmistakable signal to Iran that its insistence in pursuing a nuclear weapons program is a profound mistake.

Energize the alliance to confront new challenges. From Poland to the United States, we are facing a new kind of threat in the form of energy insecurity and climate change. The North Atlantic community has always joined forces to confront and defeat new challenges, and we should be doing the same now by, among other things, sharing best practices on energy conservation, inviting India and China to join the International Energy Agency, and dedicating our significant resources to establishing a global cap and trade on greenhouse gas pollution.

Prudently but decisively prepare for emerging threats. The Bush administration has been developing plans to deploy interceptors and radar systems in Poland and the Czech Republic as part of a missile defense system designed to protect against the potential threat of Iranian nuclear armed missiles. If we can responsibly deploy missile defenses that would protect us and our allies we should—but only when the system works. We need to make sure any missile defense system would be effective before deployment. The Bush administration has in the past exaggerated missile defense capabilities and rushed deployments for political purposes. The Bush administration has also done a poor job of consulting its NATO allies about the deployment of a missile defense system that has major implications for all of them. We must not allow this issue to divide ''new Europe'' and ''old Europe,'' as the Bush administration tried to do over Iraq.

Invite Poland to join the Visa Waiver Program. We should work to include countries like Poland that are members of both the EU and NATO into the Visa Waiver Program. Today's visa regime reflects neither the current strategic relationship nor the close historic bonds between our peoples, and is out of date.

These are important steps and I look forward to working with my colleagues to implement them.

It is wonderful to welcome the Polish President at a time in which America and Poland share the same freedom. Our two nations share a common legacy and destiny, and I am honored to welcome President Kaczynski to Washington.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide,

in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 2900. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

H.R. 2956. An act to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

The message further announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), and the order of the House of January 4, 2007, the Speaker reappoints the following members on the part of the House of Representatives to the Commission on International Religious Freedom: Ms. Felice Gaer of Paramus, New Jersey, for a 2–year term ending May 14, 2009, to succeed herself, and Ms. Nina Shea of Washington, D.C., for a 2–year term ending May 14, 2009, to succeed herself upon the recommendation of the Minority Leader.

The message also announced that pursuant to 22 U.S.C. 2761, clause 10 of rule I, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group, in addition to Mr. CHANDLER of Kentucky, Chairman, appointed on March 30, 2007: Mr. WU of Oregon, Vice Chairman, Mr. POMEROY of North Dakota, Mr. CLYBURN of South Carolina, Mr. ETHERIDGE of North Carolina, Mr. DAVIS of California, Mr. BISHOP of New York, Mr. PETRI of Wisconsin, Mr. BOOZMAN of Arkansas, Mr. BOUSTANY of Louisiana, Mr. CRENSHAW of Florida, and Mr. WILSON of South Carolina.

At 2:16 p.m., a message from the House, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1851. An act to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

ENROLLED BILLS SIGNED

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

H.R. 556. An act to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1851. An act to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud; to the Committee on Finance.

H.R. 2956. An act to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 2900. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

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–2563. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dairy Product Mandatory Reporting'' (RIN0581-AC66) received on July 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2564. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the evolution of improvised explosive device threats; to the Committee on Appropriations.

EC–2565. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–2566. 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 ''Alachlor, Chlorothalonil, Metribuzin; Denial of Objections'' (FRL No. 8135-3) received on July 13, 2007; to the Committee on Environment and Public Works.

EC–2567. 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; Minnesota'' (FRL No. 8439-7) received on July 13, 2007; to the Committee on Environment and Public Works.

EC–2568. 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; Minnesota'' (FRL No. 8439-8) received on July 13, 2007; to the Committee on Environment and Public Works.

EC–2569. 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 ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Clark and Floyd Counties 8-hour Ozone Nonattainment Area to Attainment'' (FRL No. 8440-2) received on July 13, 2007; to the Committee on Environment and Public Works.

EC–2570. 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 ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of LaPorte County to Attainment for Ozone'' (FRL No. 8440-4) received on July 13, 2007; to the Committee on Environment and Public Works.

EC–2571. 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 ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the South Bend-Elkhart 8-Hour Ozone Nonattainment Area to Attainment'' (FRL No. 8440-3) received on July 13, 2007; to the Committee on Environment and Public Works.

EC–2572. 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 ''Public Hearings and Submission of Plans'' (FRL No. 8439-6) received on July 13, 2007; to the Committee on Environment and Public Works.

EC–2573. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Pre-Classical and Classical Archaeological Objects and Byzantine Period Ecclesiastical and Ritual Ethnological Material From Cyprus'' (RIN1505-AB80) received on July 12, 2007; to the Committee on Finance.

EC–2574. 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 ''Final Regulations and Removal of Temporary Regulations Under Section 3402(f)'' ((RIN1545-BE20)(TD 9337)) received on July 13, 2007; to the Committee on Finance.

EC–2575. 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 Under Subpart F Relating to Partnerships'' ((RIN1545-BE34)(TD 9326)) received on July 13, 2007; to the Committee on Finance.

EC–2576. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Maine and Minnesota'' (CBP Dec. 07-53) received on July 12, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2577. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''2007 Data Mining Report: DHS Privacy Office Response to House Report 109-699''; to the Committee on Homeland Security and Governmental Affairs.

EC–2578. A communication from the Attorney General, transmitting, a report relative to the implementation of a new national security oversight and compliance effort; to the Committee on the Judiciary.

EC–2579. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Import and Production Quotas for Certain List I Chemicals'' (RIN1117-AB08) received on July 5, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 392. A bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period (Rept. No. 110-130).

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 1789. An original bill making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-131).

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 Mrs. MURRAY:

S. 1789. An original bill making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. OBAMA:

S. 1790. A bill to make grants to carry out activities to prevent the incidence of unintended pregnancies and sexually transmitted infections among teens in racial or ethnic minority or immigrant communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. CRAPO, and Mr. CRAIG):

S. 1791. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize, and increase funding for, the biodiesel fuel education program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself, Mr. OBAMA, and Mrs. CLINTON):

S. 1792. A bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI:

S. Res. 273. A resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. Con. Res. 41. A concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom; considered and agreed to.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 435

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 435, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 609

At the request of Mr. GRASSLEY, his name 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. 771

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 774

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Montana (Mr. TESTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend

and modify the railroad track maintenance credit.

S. 1107

At the request of Mr. SMITH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1261

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1261, a bill to amend title 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1450

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1450, a bill to authorize appropriations for the Housing Assistance Council.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1592

At the request of Mr. BROWN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1708

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1744

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1744, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1784

At the request of Mr. KERRY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1784, a bill to amend the Small Business Act to improve programs for veterans, and for other purposes.

S. 1785

At the request of Mr. NELSON of Florida, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1785, a bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

S. RES. 269

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 269, a resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of former United States Representative Barbara Jordan.

AMENDMENT NO. 2021

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2021 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2022

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2033

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2033 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2046

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of amendment No. 2046 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2060

At the request of Mr. SANDERS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 2060 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2072

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2072 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2074

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2074 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. SANDERS, his name was added as a cosponsor of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2108

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2108 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2125

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2125 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2188

At the request of Mr. LIEBERMAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2188 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2191

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2191 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2205

At the request of Mrs. MCCASKILL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2205 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 273—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A SEMIPOSTAL STAMP TO SUPPORT MEDICAL RESEARCH RELATING TO ALZHEIMER'S DISEASE

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 273

Resolved, That it is the sense of the Senate that the United States Postal Service should, in accordance with section 416 of title 39, United States Code—

(1) issue a semipostal stamp to support medical research relating to Alzheimer's disease; and

(2) transfer to the National Institutes of Health for that purpose any amounts becoming available from the sale of such stamp.

SENATE CONCURRENT RESOLUTION 41—COMMENDING THE 1ST BRIGADE COMBAT TEAM/34TH INFANTRY DIVISION OF THE MINNESOTA NATIONAL GUARD UPON ITS COMPLETION OF THE LONGEST CONTINUOUS DEPLOYMENT OF ANY UNITED STATES MILITARY UNIT DURING OPERATION IRAQI FREEDOM

Ms. KLOBUCHAR (for herself and Mr. COLEMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 41

Whereas the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard, known as the Red Bull Division, is headquartered in Bloomington, Minnesota, and is made up of some 3,700 hard-working and courageous Minnesotans and some 1,300 more soldiers from other Midwestern States;

Whereas the 1st Brigade Combat Team has a long history of service to the United States, beginning with the Civil War;

Whereas the 1st Brigade Combat Team was most recently mobilized in September 2005 and departed for Iraq in March 2006;

Whereas the 1st Brigade Combat Team recently completed the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

Whereas during its deployment, the 1st Brigade Combat Team completed 5,200 combat logistics patrols, secured 2,400,000 convoy miles, and discovered 462 improvised explosive devices (IEDs) prior to detonation;

Whereas the 1st Brigade Combat Team processed over 1,500,000 million vehicles and 400,000 Iraqis into entry control points without any insurgent penetrations;

Whereas the 1st Brigade Combat Team captured over 400 suspected insurgents;

Whereas more than 1,400 members of the 1st Brigade Combat Team reenlisted during deployment and 21 members became United States citizens during deployment;

Whereas the 1st Brigade Combat Team helped start 2 Iraqi newspapers that provide news to the local population and publish stories on reconstruction progress;

Whereas the 1st Brigade Combat Team completed 137 reconstruction projects;

Whereas the deployment of the 1st Brigade Combat Team in Iraq was extended by 125 days in January 2007;

Whereas the 1st Brigade Combat Team and its members are now returning to the United States to loving families and a grateful Nation;

Whereas the families of the members of the 1st Brigade Combat Team have waited patiently for their loved ones to return and endured many hardships during this lengthy deployment;

Whereas the employers of the soldiers and family members of the 1st Brigade/34th Infantry Division have displayed patriotism over profit by keeping positions saved for the

returning soldiers and supporting the families during the difficult days of this long deployment, and these employers of the soldiers and their families are great corporate citizens through their support of our armed forces and their family members;

Whereas communities throughout the Midwest are now integral participants in the Minnesota National Guard's extensive Beyond the Yellow Ribbon reintegration program that will help members of the 1st Brigade Combat Team return to normal life; and

Whereas the 1st Brigade Combat Team/34th Infantry Division has performed admirably and courageously, putting service to country over personal interests and gaining the gratitude and respect of Minnesotans, Midwesterners, and all Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

(2) recognizes the achievements of the members of the 1st Brigade Combat Team and their exemplary service to the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the Adjutant General of the Minnesota National Guard for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2211. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2212. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2213. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2214. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2215. Mr. LOTT (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2216. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2217. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2218. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2219. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2220. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2221. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2222. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2223. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2224. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2225. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2226. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2227. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 2228. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2229. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2230. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 2045 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2231. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2234. Mr. SALAZAR (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2235. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2236. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2237. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY , Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2238. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2143 submitted by Mr. CORNYN and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2239. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2240. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2241. Mr. MCCONNELL proposed an amendment to the bill H.R. 1585 , supra.

SA 2242. Mr. BIDEN (for himself, Ms. CANTWELL, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2243. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2244. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2245. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2246. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2247. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2248. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2249. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2250. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2251. Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2252. Mr. DURBIN proposed an amendment to amendment SA 2241 proposed by Mr. MCCONNELL to the bill H.R. 1585, supra.

SA 2253. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2254. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2255. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2256. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2257. Mr. CORNYN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2258. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2259. Mr. CORNYN submitted an amendment intended to be proposed by him

to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2260. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2261. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2262. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. ALEXANDER, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2263. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2264. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2265. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2266. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2267. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2268. Mr. DURBIN (for himself, Mr. INOUYE, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, Mr. BIDEN, Ms. MIKULSKI, Mrs. DOLE, Mr. REED, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2269. Mr. REED (for Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 27, supporting the goals and ideals of ''National Purple Heart Recognition Day''.

TEXT OF AMENDMENTS

SA 2210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3126. MODIFICATION OF REPORTING REQUIREMENT.

Section 3111 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3539) is amended—

(1) in subsection (b), by striking ''March 1, 2007'' and inserting ''March 1 of 2007, 2009, 2011, and 2013'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

''(c) FORM.—The report required by subsection (b) to be submitted not later than March 1 of 2009, 2011, or 2013, shall be submitted in classified form, and shall include a detailed unclassified summary.''; and

(4) in subsection (e), as redesignated, by striking ''(c)'' and inserting ''(d)''.

SA 2211. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 314. REPORT ON CONTROL OF THE BROWN TREE SNAKE.

(a) FINDINGS.—Congress makes the following findings:

(1) The brown tree snake (*Boiga irregularis*), an invasive species, is found in significant numbers on military installations and in other areas on Guam, and constitutes a serious threat to the ecology of Guam.

(2) If introduced into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States, the brown tree snake would pose an immediate and serious economic and ecological threat.

(3) The most probable vector for the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States is the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(4) It is probable that the movement of military aircraft, personnel, and cargo, including the household goods of military personnel, from Guam to Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States will increase significantly coincident with the increase in the number of military units and personnel stationed on Guam,

(5) Current policies, programs, procedures, and dedicated resources of the Department of Defense and of other departments and agencies of the United States may not be sufficient to adequately address the increasing threat of the introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the following:

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to ensure that the brown tree snake is not introduced into Hawaii, the Commonwealth of the Northern Mariana Island, or the continental United States as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(2) Current plans for enhanced future actions, policies, and procedures and increased levels of resources in order to ensure that the projected increase of military personnel stationed on Guam does not increase the threat of introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

SA 2212. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. PROTECTION OF CERTAIN INDIVIDUALS.

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

(1) Secretary of Defense.

(2) Deputy Secretary of Defense.

(3) Chairman of the Joint Chiefs of Staff.

(4) Vice Chairman of the Joint Chiefs of Staff.

(5) Secretaries of the military departments.

(6) Chiefs of the Services.

(7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection is necessary because—

(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

(2) PERSONNEL.—Individuals authorized to receive physical protection and security under this subsection include the following:

(A) Any official, military member, or employee of the Department of Defense, including such a former or retired official who faces serious and credible threats arising from duties performed while employed by the Department.

(B) Any distinguished foreign visitor to the United States who is conducting official business with the Department of Defense.

(C) Any member of the immediate family of a person authorized to receive physical protection and security under this section.

(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and security under this subsection may be delegated only to the Deputy Secretary of Defense.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, and the duration of the authorized protection and security for such officer, employee, or individual.

(5) DURATION OF PROTECTION.—

(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end of the 90-day period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report of each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 30 days after the date on which the determination is made.

(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms ''qualified members of the Armed Forces and qualified civilian employees of the Department of Defense'' refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

(A) The U.S. Army Criminal Investigation Command.

(B) The Naval Criminal Investigative Service.

(C) The U.S. Air Force Office of Special Investigations.

(D) The Defense Criminal Investigative Service.

(E) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide security and protection under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

(2) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.

SA 2213. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and either the aggregate amount included in that budget for the Department of Defense or the Department of Veterans Affairs for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department of Defense and the Department of Veterans Affairs for health care for such preceding fiscal year, and, in the case of the Department of Defense, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount on the access to and delivery of medical and support services to members of the Armed Forces, veterans, and their family members.

SA 2214. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON RAPID FIELDING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) rapidly field innovative logistic systems such as the Associated Intermodal Platform pallet system; and

(2) seek in the budget of the President for fiscal year 2009 funds to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system.

SA 2215. Mr. LOTT (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. 10,000-POUND BALLISTIC AERIAL DELIVERY AND SOFT-LANDING SYSTEM.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $3,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army, as increased by subsection (a) $3,000,000 may be available for Advanced Warfighter Technologies (PE #0603001A) for the 10,000-pound Ballistic Aerial Delivery and Soft-Landing System.

(c) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to amounts available for Aerospace Technology Development and Demonstration (PE #0603211F) for 15 Flight Vehicle Test Integration.

SA 2216. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS BY MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY.

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES IS REQUIRED UNDER THE MEDICARE AND MEDICAID PROGRAMS.—For purposes of subparagraph (D) of sections 1819(b)(5) and 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i–3(b)(5), 1396r(b)(5)), if, since an individual's most recent completion of a training and competency evaluation program described in subparagraph (A) of such

sections, the individual was ordered to active duty in the Armed Forces for a period of at least 12 months, and the individual completes such active duty service during the period beginning on July 1, 2007, and ending on September 30, 2008, the 24-consecutive-month period described subparagraph (D) of such sections with respect to the individual shall begin on the date on which the individual completes such active duty service. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service.

(b) REPORT ON RELIEF FROM REQUIREMENTS FOR NATIONAL GUARD AND RESERVE ON LONG-TERM ACTIVE DUTY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth recommendations for such legislative action as the Secretary considers appropriate (including amendments to the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)) to provide for the exemption or tolling of professional or other licensure or certification requirements for the conduct or practice of a profession, trade, or occupation with respect to members of the National Guard and Reserve who are on active duty in the Armed Forces for an extended period of time.

SA 2217. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599. Physicians and health care professionals comparability allowances

''(a) AUTHORITY TO PROVIDE ALLOWANCES.—(1) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section and such regulations as the President or his designee may prescribe, enter into a service agreement with a Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

''(A) in the case of a Department of Defense physician—

''(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

''(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

''(B) in the case of a Department of Defense health care professional—

''(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

''(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

''(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

''(2)(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

''(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37 shall be deemed service as a Department of Defense health care professional.

''(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

''(1) is employed on less than a half-time or intermittent basis;

''(2) occupies an internship or residency training position; or

''(3) is fulfilling a scholarship obligation.

''(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall, under such regulations, criteria, and conditions as the President or his designee may prescribe, determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

''(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of one year of service in the Department of Defense unless the physician or health care professional requests an agreement for a longer period of service.

''(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section, unless the Secretary of Defense, under such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

''(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

''(g) CONSTRUCTION WITH OTHER AUTHORITIES.—(1) An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, chapter 81 or 87 of title 5, or other benefits related to basic pay.

''(2) Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

''(h) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to Congress a written report on the operation of this section during the preceding year. Each report shall include, with respect to the year covered by such report, information as to—

''(1) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

''(2) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

''(3) the size of the allowances and the duration of the agreements entered into; and

''(4) the degree to which the recruitment or retention problems referred to in paragraph (1) were alleviated under this section.

''(i) DEFINITIONS.—In this section:

''(1) The term 'Department of Defense health care professional' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (F) of paragraph (2).

''(2) The term 'Department of Defense physician' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

''(A) Section 5332 of title 5, relating to the General Schedule.

''(B) Subchapter VIII of chapter 53 of title 5, relating to the Senior Executive Service.

''(C) Section 5371 of title 5, relating to certain health care positions.

''(D) Section 5376, of title 5, relating to certain senior-level positions.

''(E) Section 5377 of title 5, relating to critical positions.

''(F) Subchapter IX of chapter 53 of title 5, relating to special occupational pay systems.

''(3) The term 'qualified health care professional' means any individual who is—

''(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

''(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

''(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

''(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled; or

''(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

''1599e. Physicians and health care professionals comparability allowances.''.

SA 2218. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 844, insert the following:

(h) STUDY AND PLAN.—

(1) IN GENERAL.—No amounts in the Fund may be used until the Secretary of Defense develops a plan for establishing the appropriate size of the acquisition workforce of the Department to accomplish inherently governmental functions.

(2) CONTENT.—The plan developed under paragraph (1) shall—

(A) identify the positions and skills, due to their inherently governmental nature, that should be supplied by Department of Defense personnel versus contractor personnel;

(B) identify the gaps in skills that exist within the current acquisition workforce of the Department;

(C) create a plan for closing such skill gaps;

(D) create a plan for obtaining a proper match between the level of acquisition expertise within each acquisition program office and the level of risk associated with the acquisition program that the program office is expected to manage; and

(E) identify the additional personnel or hiring authorities that may be required on an interim basis, until such time as the Department of Defense has sufficient government personnel to fill the positions designated as inherently governmental.

(3) REPORT.—Not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the plan developed under paragraph (1).

SA 2219. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 872 and insert the following:

SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ, AFGHANISTAN, AND OTHER DESIGNATED AREAS WITHIN THE CENTCOM AREA OF RESPONSIBILITY.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq, Afghanistan, or other designated contingency area within the area of responsibility of the Central Command (CENTCOM AOR), including security, transition, reconstruction, and humanitarian relief activities, for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(3) a preference is provided for products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ, AFGHANISTAN, OR OTHER DESIGNATED CONTINGENCY AREA WITHIN THE CENTCOM AOR.—For the purposes of this section:

(1) A product is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it is mined, produced, or manufactured in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(2) A service is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it is performed in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR by citizens or permanent resident aliens of Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

(3) A source is from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR if it—

(A) is located in Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR; and

(B) offers products or services that are from Iraq, Afghanistan, or other designated contingency area within the CENTCOM AOR.

SA 2220. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

''§ 408a. Travel and transportation allowances: inactive duty training

''(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

''(b) ELIGIBLE MEMBERS.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

''(1) is—

''(A) qualified in a skill designated as critically short by the Secretary concerned;

''(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve component with a critical manpower shortage; or

''(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

''(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

''(c) MAXIMUM AMOUNT.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be $300.

''(d) TERMINATION.—No reimbursement may be provided under this section for travel that occurs after December 31, 2010.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

''408a. Travel and transportation allowances: inactive duty training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

SA 2221. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 10____. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other

SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).'';

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense and each Secretary of a military department is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans;

''(B) change the profit guidelines to increase the incentive for a prime contractor on such a contract to insert SBIR and STTR technology into programs of record or fielded systems; and

''(C) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

''(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense and each Secretary of a military department shall—

''(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

''(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary.''; and

(4) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2012''.

SA 2222. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585 to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. DEFINITIONS.

In this subtitle:

(1) The term ''Convention on the Physical Protection of Nuclear Material'' means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term ''formula quantities of strategic special nuclear material'' means uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium–233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U–235) + 2.5 (grams U–233 + grams plutonium), as set forth in the definitions of ''formula quantity'' and ''strategic special nuclear material'' in section 73.2 of title 10, Code of Federal Regulations.

(3) The term ''Nuclear Non-Proliferation Treaty'' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term ''nuclear weapon'' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3132. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 ''National Strategy for Combating Terrorism'' issued by the White House states, ''Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face.''

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, ''Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.''.

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack ''would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty''.

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a ''race against time'' to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure that such weapons and materials do not fall into the hands of terrorists.

SEC. 3133. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3134. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for ''appropriate effective'' physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in

subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3135. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3134(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

SA 2223. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. POLICY ON PROGRAMS IN SPACE TO DEFEND UNITED STATES ASSETS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States space-based satellites provide automated reconnaissance and mapping, aid weather prediction, track fleet and troop movements, give accurate positions of United States and enemy forces, and guide missiles and pilotless planes to their targets during military operations.

(2) United States access to space is dependent upon our ability to defend our space assets.

(3) China has an aggressive mission to gain space power, and on January 17, 2007, China successfully conducted an anti-satellite (ASAT) weapons test that successfully destroyed an inactive Chinese weather satellite.

(4) Space-based weapons in the hands of hostile states constitute an asymmetric capability designed to undermine United States strengths.

(5) Space-based assets have the potential to prevent interference with United States satellites.

(b) POLICY.—It is the policy of the United States to protect its military and civilian satellites and to research all potential means of doing so.

SA 2224. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. OPERATION JUMP START.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $400,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $400,000,000 may be available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

SA 2225. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. BALLISTIC MISSILE DEFENSE SPACE TESTBED.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities—

(1) the amount available for the Ballistic Missile Defense Space Testbed (PE#0603895C) is hereby increased by $10,000,000; and

(2) the amount available for Ballistic Missile Defense Technology (PE#0603175C) is hereby decreased by $10,000,000.

SA 2226. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STATE SPONSORS OF TERRORISM.

(a) DEFINITION.—In this section, the term ''state sponsor of terrorism'' means any country, the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to—

(1) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(2) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(3) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(b) SECURITIES AND EXCHANGE COMMISSION DISCLOSURE OF BUSINESS TIES TO STATE SPONSORS OF TERROR.—

(1) REQUIREMENT FOR A SECURITIES AND EXCHANGE COMMISSION REPORT.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Securities and Exchange Commission (in this section referred to as the ''Commission'') shall prepare and submit to Congress a report on business activities carried out with state sponsors of terrorism.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a list of all persons required to make periodic or other filings pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) that disclose in filings with the Commission business activity in or with a country that is a state sponsor of terrorism, or an instrumentality of such a country;

(B) a description of such business activities carried out by each person referred to in subparagraph (A);

(C) the value of such activities carried out by each person referred to in subparagraph (A); and

(D) a description of the disclosure standard in effect at the time at which the content of the report was collected, if it has changed from the time of the first or most recent report submitted pursuant to paragraph (1), and the criteria for persons to register under section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)).

(3) PUBLICATION OF REPORT.—The Commission shall make the report required by this subsection available on its website in an easily accessible and searchable format.

(4) STRENGTHENING SECURITIES AND EXCHANGE COMMISSION DISCLOSURE REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue regulations to require disclosure by all persons required to make periodic or other filings pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) of business activity in an amount equal to more than $1,000,000, either directly or through an affiliate, in or with a country that is a state sponsor of terrorism, or an instrumentality of such country.

(c) REPORT ON BUSINESS TIES TO STATE SPONSORS OF TERRORISM.—

(1) REQUIREMENT FOR REPORT.—Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress a classified report on business activities carried out with state sponsors of terrorism.

(2) DATA.—The Director of National Intelligence shall use all data available from elements of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and other appropriate governmental and nongovernmental entities to prepare the report required by paragraph (1).

(3) CONTENT.—The report required by paragraph (1) shall include—

(A) a list of persons, including foreign persons, that carry out business activities in or with a country that is a state sponsor of terrorism, or an instrumentality of such a country;

(B) a description of such business activities carried out by each such person;

(C) the value of such activities carried out by each such person;

(D) an assessment of likely omissions and incompleteness in the report required by paragraph (1);

(E) if necessary, differentiation by the degree of reliability of the data used to prepare the such report;

(F) a description of available options to increase the completeness and reliability of such data;

(G) an assessment of the economic condition of each state sponsor of terrorism; and

(H) an assessment of the effects of implementing various divestiture and sanctions options against each state sponsor of terrorism.

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) EVALUATION OF DIRECTOR OF NATIONAL INTELLIGENCE AND SECURITIES AND EXCHANGE COMMISSION REPORTS.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress a report that compares the report of the Commission submitted under subsection (b) and the report of the Director submitted under subsection (c), to include—

(A) a comparison of included persons and business activities;

(B) measures that evaluate the completeness of each report;

(C) measures that evaluate the reliability of each report; and

(D) an assessment of options to increase the completeness and reliability of such data.

(2) INVESTMENT REPORT.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress, a report—

(A) that, in an unclassified section, contains the names of persons described in subsection (b)(2)(A) that are included in each of the major investable financial market indices and the holdings of the Federal Thrift Savings Plan of the Federal Retirement Thrift Investment Board (in this paragraph referred to as the ''TSP''), including—

(i) the percentage of each such index and TSP holdings comprised of such persons; and

(ii) the dollar capitalization of each such person;

(B) that, in a classified section, contains the names of persons described in subsection (c)(3)(A) that are included in each of the major investable financial market indices and the holdings of the TSP, including—

(i) the percentage of each such index and TSP holdings comprised of such persons; and

(ii) the dollar capitalization of each such person; and

(C) the unclassified section of which is made available on the website of the Government Accountability Office in an easily accessible and searchable format.

(3) GOVERNMENT CONTRACTING REPORT.—Not later than 90 days after the date of delivery of the report of the Director of National Intelligence under subsection (c), and annually thereafter, the Comptroller General of the United States shall prepare and submit to Congress a report—

(A) that, in an unclassified section, contains the names of the persons described in subsection (b)(2)(A), the nature of the activity, and the value of United States Government active contracting for the procurement of goods or services with any such person;

(B) that, in a classified section, contains the names of the persons described in subsection (c)(3)(A), the nature of the activity, and the value of United States Government active contracting for the procurement of goods or services with any such person; and

(C) the unclassified section of which is made available on the website of the Government Accountability Office in an easily accessible and searchable format.

(e) AUTHORIZATION FOR CERTAIN STATE AND LOCAL DIVESTMENT MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any State, locality, or United States college or university may adopt measures to prohibit any investment of State, local, college, or university assets in the Government of a state sponsor of terror, or in any person with a qualifying business relationship with a state sponsor of terrorism.

(2) APPLICABILITY.—Paragraph (1) shall apply to measures adopted before, on, or after the date of enactment of this Act.

(f) INVESTMENT COMPANY ACT OF 1940.—Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a-13) is amended by adding at the end the following:

''(c) SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company or person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that are included on the most recent list published under section 3(a)(1) of the Iran Sanctions Enabling Act, as modified under section 3(b) of that Act.

''(2) DEFINITION.—For purposes of this subsection, the term 'person' includes the Federal Government and any State or political subdivision of a State.''.

(g) INCREASED PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''SEC. 206. PENALTIES.

''(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

''(b) CIVIL PENALTY.—A civil penalty may be imposed on any person who commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

''(1) $250,000; or

''(2) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

''(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of enactment of this Act.

SA 2227. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1205. LIMITATION ON AVAILABILITY OF FOREIGN MILITARY FINANCING PROGRAM ASSISTANCE FOR EGYPT.

Of the amount appropriated or otherwise made available by any Act making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2008 for the Foreign Military Financing Program and available for assistance for Egypt, $200,000,000 may not be made available to be obligated or expended until the Secretary of State certifies that the Government of Egypt has taken concrete and measurable steps—

(1) to enact and implement a new judicial authority law that protects the independence of the judiciary;

(2) to review criminal procedures and train police leadership in modern policing to curb police abuses; and

(3) to detect and destroy the smuggling network and smuggling tunnels that lead from Egypt to Gaza.

SA 2228. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 1203, strike subsection (a) and insert the following:

(a) AUTHORITY FOR FISCAL YEAR 2008.—

(1) IN GENERAL.—During fiscal year 2008, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $977,441,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(A) for the Commanders' Emergency Response Program in Iraq for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(B) for a similar program to assist the people of Afghanistan.

(2) VOLUNTARY RELOCATION IN IRAQ.—The response to urgent humanitarian relief and reconstruction requirements referred to in paragraph (1)(A) shall include using direct payments, job creation, and housing assistance to facilitate the relocation of Iraqi individuals and families, if, in the judgment of United States military commanders in Iraq—

(A) such individuals and families are affiliated with a sect that comprises no more than half of the population of the neighborhood or community in which they reside;

(B) such individuals and families are likely targets of violence because of their sectarian affiliation;

(C) such individuals and families desire to relocate to a neighborhood or community where their sect comprises a substantial majority of the population; and

(D) the security of a particular neighborhood or community can be improved with the relocation of sectarian minorities.

SA 2229. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. COUNTERTERRORISM ASSISTANCE TO SECURITY FORCES IN THE KURDISTAN REGION.

(a) FINDINGS.—Congress makes the following findings:

(1) Turkey, a key ally of the United States and an important fellow member of NATO, faces a terrorist threat from the Kurdistan Workers Party, or PKK, an organization included on the Department of State's list of foreign terrorist organizations.

(2) Some PKK members now reside in, plan, or launch terrorist operations from northern Iraq.

(3) Iraq, a sovereign nation, is obliged under international law to protect neighboring countries from threats emanating from within its own borders.

(4) The Kurdistan Regional Government, which oversees a three-province, constitutionally-recognized region of Iraq that is largely stable and peaceful, requires additional capacity to eliminate terrorist-related activities, including those of the PKK, that exist within its boundaries.

(5) The Georgia Train and Equip Program, started in 2002—

(A) enhanced the counterterrorism, border security, and intelligence capabilities of the Government of Georgia;

(B) successfully mitigated the growing threat of international terrorism within the borders of Georgia; and

(C) contributed to greater regional stability and made a positive contribution to relations between the Governments of Georgia and Russia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) peace and stability along the border between Turkey and Iraq is essential for the long-term security of Iraq; and

(2) the Georgia Train and Equip Program provides a model for security assistance necessary to counter terrorist threats in northern Iraq.

(c) ASSISTANCE PROGRAM.—The Commander, Multi-National Security Transition Command-Iraq, shall develop and implement a program, modeled after the Georgia Train and Equip Program, to assist the Government of Iraq and the Kurdistan Regional Government in securing Iraq's border with Turkey and eliminating terrorist safe havens, including by providing assistance—

(1) to secure Iraq's border with Turkey;

(2) to eliminate PKK safe havens in the Kurdistan Region; and

(3) to enhance the intelligence gathering and border security capabilities of the Government of Iraq.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commander, Multi-National Security Transition Command-Iraq, shall report to Congress on the progress in developing and implementing the program required under subsection (c).

SA 2230. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 2045 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THAILAND.

(a) FINDINGS.—Congress makes the following findings:

(1) Thailand is an important strategic ally and economic partner of the United States.

(2) The United States strongly supports the prompt restoration of democratic rule in Thailand.

(3) While it is in the interest of the United States to have a robust defense relationship with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Thailand should continue on the path to restore democratic rule as quickly as possible, and should hold free and fair national elections as soon as possible and no later than December 2007; and

(2) once Thailand has fully reestablished democratic rule, it will be both possible and desirable for the United States to reinstate a full program of military assistance to the Government of Thailand, including programs such as International Military Education and Training (IMET) and Foreign Military Financing (FMF) that were appropriately suspended following the military coup in Thailand in September 2006.

(c) LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended to provide direct assistance to the Government of Thailand to initiate new military assistance activities until 15 days after the Secretary of Defense notifies the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives of the intent of the Secretary to carry out such new types of military assistance activities with Thailand.

(d) EXCEPTION.—The limitation in subsection (c) shall not apply with respect to funds as follows:

(1) Amounts authorized to be appropriated for Overseas Humanitarian, Disaster, and Civic Aid.

(2) Amounts otherwise authorized to be appropriated by this Act and available for humanitarian or emergency assistance for other nations.

(e) NEW MILITARY ASSISTANCE ACTIVITIES DEFINED.—In this section, the term ''new military assistance activities'' means military assistance activities that have not been undertaken between the United States and Thailand during fiscal year 2007.

SA 2231. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. ACCESS TO STUDENT RECRUITING INFORMATION.

Section 503(c) of title 10, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following: ''(1)(A) Each local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965—

''(i) shall provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and

''(ii) shall provide, upon a request made by a military recruiter for military recruiting purposes, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)), unless the parent of

such student has submitted the prior consent request under subparagraph (B).

''(B)(i) The parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of subparagraph (A) without prior written parental consent. Upon receiving a request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

''(ii) Each local educational agency shall notify parents of the option to make a request described in clause (i).

''(C) Nothing in this paragraph shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under subparagraph (B)(i).

''(D) PARENTAL CONSENT.—For purposes of this paragraph, whenever a student has attained eighteen years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.'';

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

''(2)(A) If a local educational agency denies recruiting access to a military recruiter under this section, the Secretary shall notify—

''(i) the Governor of the State in which the local educational agency is located; and

''(ii) the Secretary of Education.

''(B) Upon receiving a notification under subparagraph (A), the Secretary of Education—

''(i) shall, consistent with the provisions of part D of title IV of the General Education Provisions Act (20 U.S.C. 1234c), determine whether the local educational agency is failing to comply substantially with the requirements of this subsection; and

''(ii) upon determining that the local educational agency has failed to comply substantially with such requirements, may impose a penalty or enforce a remedy available for a violation of section 9528(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)) in the same manner as such penalty or remedy would apply to a local educational agency that violated such section.''; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SA 2232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER AT ELLINGTON FIELD, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Ellington Field, Texas, to house a Domestic Military Aviation National Training Center (DMA-NTC) for current and future operational reconnaissance and surveillance missions of the National Guard that support local, State, and Federal law enforcement agencies.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC-26 aircraft in support of local, State, and Federal law enforcement and determine the number of aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC-26 domestic training center meeting the requirements identified under paragraph (1); and

(3) determine the cost of locating such a training center at Ellington Field, Texas, for the purpose of preempting and responding to security threats and responding to crises.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico.

SA 2233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A NATIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Kelly Air Field, San Antonio, Texas, to house a National Disaster Response Center for responding to man-made and natural disasters in the United States .

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A determination of how the National Disaster Response Center would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) Audie Murphy Veterans Administration Medical Center.

(F) 433rd Airlift Wing C-5 Heavy Lift Aircraft.

(G) 149 Fighter Wing and Texas Air National Guard F-16 fighter aircraft.

(H) Army Northern Command.

(I) The National Trauma Institute's three level 1 trauma centers.

(J) Texas Medical Rangers.

(K) San Antonio Metro Health Department.

(L) The University of Texas Health Science Center at San Antonio.

(M) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(N) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(O) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) Determine the number of military and civilian personnel required to be mobilized to run the logistics, planning, and maintenance of the National Disaster Response Center during a time of disaster recovery.

(3) Determine the number of military and civilian personnel required to run the logistics, planning, and maintenance of the National Disaster Response Center during a time when no disaster is occurring.

(4) Determine the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

SA 2234. Mr. SALAZAR (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, the following:

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

''(A) that—

''(i) is held in the United States or any of its territories or commonwealths;

''(ii) is governed by the International Paralympic Committee; and

''(iii) is sanctioned by the United States Olympic Committee;

''(B) for which participation exceeds 100 amateur athletes; and

''(C) in which at least 10 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability.''; and

(2) by adding at the end the following new subsection:

''(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

''(2) The total amount expended for any fiscal year to provide support for sporting

events described in subsection (c)(5) may not exceed $1,000,000.''.

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after ''international sporting competitions'' the following: ''and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,''; and

(2) by striking ''45 days'' and inserting ''15 days''.

SA 2235. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ____. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by inserting ''or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))'' after ''rated as 100 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 2236. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ____. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

''(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.''.

(b) REPEAL OF PHASE-IN OF CONCURRENT RECEIPT FOR RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.—Subsection (a)(1) of such section is amended by striking ''except that'' and all that follows and inserting ''except—

''(A) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004; and

''(B) in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as total by reason of unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2007.''.

(c) CLERICAL AMENDMENTS.—

(1) The heading for section 1414 of such title is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. ____. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) ELIGIBILITY FOR TERA RETIREES.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and inserting ''who—

''(1) is entitled to retired pay, other than a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

''(2) has a combat-related disability.''.

(b) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) CLERICAL AMENDMENT.—The heading for paragraph (3) of section 1413a(b) of such title is amended by striking ''RULES'' and inserting ''RULE''.

(2) QUALIFIED RETIREES.—Subsection (a) of section 1414 of such title, as amended by section 2(a), is amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''a qualified retiree''; and

(B) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay, other than in the case of a member retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

''(B) is also entitled for that month to veterans' disability compensation.''.

(3) DISABILITY RETIREES.—Subsection (b) of section 1414 of such title is amended—

(A) by striking ''SPECIAL RULES'' in the subsection heading and all that follows through ''is subject to'' and inserting ''SPECIAL RULE FOR CHAPTER 61 DISABILITY RETIREES.—In the case of a qualified retiree who is retired under chapter 61 of this title, the retired pay of the member is subject to''; and

(B) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SA 2237. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XXXIII—DREAM ACT OF 2007

SEC. 3301. SHORT TITLE.

This title may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. 3302. DEFINITIONS.

In this title:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3303. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 3304. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 3305, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this title, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 3305. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 3306, an alien whose status has been adjusted under section 3304 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 3304(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 3304(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must

be removed before the alien may apply for naturalization.

SEC. 3306. RETROACTIVE BENEFITS.

If, on the date of enactment of this title, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 3304(a)(1) and section 3305(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 3304. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 3305(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 3305(d)(1) during the entire period of conditional residence.

SEC. 3307. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 3304(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 3308. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 3309. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 3310. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 3311. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 3312. GAO REPORT.

Not later than seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 3304(a);

(2) the number of aliens who applied for adjustment of status under section 3304(a);

(3) the number of aliens who were granted adjustment of status under section 3304(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 3305.

SA 2238. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2143 submitted by Mr. CORNYN and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, between lines 1 and 2, insert the following:

DIVISION D—IMMIGRATION

TITLE XXXIII—IMMIGRATION FRAUD PREVENTION

SEC. 3301. SHORT TITLE.

This division may be cited as the ''H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007''.

SEC. 3302. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E);

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

''(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and''.

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of

available jobs, which shall be publicly accessible without charge—

''(i) on a website maintained by the Department of Labor, which website shall be searchable by—

''(I) the name, city, State, and zip code of the employer;

''(II) the date on which the job is expected to begin;

''(III) the title and description of the job; and

''(IV) the State and city (or county) at which the work will be performed; and

''(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

''(B) Each available job advertised on the list shall include—

''(i) the employer's full legal name;

''(ii) the address of the employer's principal place of business;

''(iii) the employer's city, State and zip code;

''(iv) the employer's Federal Employer Identification Number;

''(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

''(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

''(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

''(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

''(ix) a statement of the expected hours per week that the job will require;

''(x) the date on which the job is expected to begin;

''(xi) the date on which the job is expected to end, if applicable;

''(xii) the number of persons expected to be employed for the job;

''(xiii) the job title;

''(xiv) the job description;

''(xv) the city and State of the physical location at which the work will be performed; and

''(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

''(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment—

''(i) to carry out the requirements of this paragraph; and

''(ii) that require employers to provide other information in order to advertise available jobs on the list.''.

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;'' and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) IMMIGRATION DOCUMENTS.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) EMPLOYER TO SHARE ALL IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.''.

SEC. 3303. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 3302 (d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain

sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.''.

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

''(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.''.

SEC. 3304. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) RESTRICTION ON BLANKET PETITIONS.—Section 214(c)(2)(A) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).''.

(c) PROHIBITION ON OUTPLACEMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.''.

(d) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to

conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(e) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(f) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 3305. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 3304, is further amended by adding at the end the following:

''(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 3306. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE XXXIV—EMPLOYMENT BASED VISAS

SA 2239. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROHIBITION ON EXPULSION, RETURN, OR EXTRADITION OF PERSONS BY THE UNITED STATES TO COUNTRIES ENGAGING IN TORTURE.

(a) PROHIBITION.—

(1) IN GENERAL.—Part IV of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 181—EXPULSION, RETURN, OR EXTRADITION OF PERSONS TO COUNTRIES ENGAGING IN TORTURE

''Sec.

''4101. Definitions.
''4102. Prohibition on expulsion, return, or extradition of persons by the United States to countries engaging in torture.
''4103. Approval of Foreign Intelligence Surveillance Court required for transfers of persons between foreign countries.
''4104. Annual reports on countries using torture.

''§ 4101. Definitions

''In this chapter:

''(1) The term 'appropriate congressional committees' means—

''(A) the Committees on Armed Services, Foreign Relations, Homeland Security and Government Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

''(B) the Committees on Armed Services, Homeland Security, the Judiciary, and International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) The term 'appropriate government agencies' means the following:

''(A) The elements of the intelligence community (as defined in or specified under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

''(B) Any element (other than an element referred to in subparagraph (A)) of the Department of State, the Department of Defense, the Department of Homeland Security, the Department of Justice or any other Federal law enforcement, national security, intelligence, or homeland security agency that takes or assumes custody or control of persons or transports persons in its custody or control outside the United States.

''(3) The term 'Foreign Intelligence Surveillance Court' means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

''(4) The term 'substantial grounds', in the case of an evidentiary showing, means a showing that a fact is more likely than not.

''§ 4102. Prohibition on expulsion, return, or extradition of persons by the United States to countries engaging in torture

''(a) PROHIBITION.—No person in the custody or control of any department, agency, officer, or employee of the United States, or any contractor thereof, shall be expelled, returned, or extradited to another country, whether directly or indirectly, unless—

''(1) such person—

''(A) is being legally extradited under a bilateral or multilateral extradition treaty or legally removed under the immigration laws of the United States; and

''(B) has recourse to a United States court of competent jurisdiction before such extradition or removal to challenge such extradition or removal on the basis that there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country;

''(2) in the case of a transfer of such person from the territory of the United States through means other than those covered by paragraph (1), such person has recourse to an appropriate district court of the United States before such transfer to challenge such transfer on the basis that there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country; or

''(3) in the case of the transfer of such person from one foreign country to another foreign country, the transfer has the prior approval of the Foreign Intelligence Surveillance Court in accordance with section 4103 of this title.

''(b) JURISDICTION.—

''(1) JURISDICTION OF DISTRICT COURTS.—In the event the district courts of the United States do not have jurisdiction under any other provision of law to hear a challenge described in subsection (a)(2), the district courts of the United States shall have jurisdiction to hear such a challenge by reason of this section.

''(2) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to consider petitions under section 4103 of this title in accordance with the provisions of that section, and to make determinations, certifications, and approvals of and with respect to such petitions as provided in that section.

''(c) RELEASE OF CERTAIN PERSONS.—If the legal basis for detention of a person to be transferred under subsection (a)(2) no longer applies pending such transfer, including the dismissal or final disposition of criminal charges, immigration proceedings, or material witness obligations, such person shall be released unless the attorney for the appropriate government agency first obtains a warrant from a district court of the United States authorizing continuing detention of such person, upon a showing that—

''(1) there are substantial grounds to believe such person would not be in danger of being subjected to torture in the receiving country;

''(2) there is probable cause to believe such person is an agent of a foreign power (as that term is defined in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)); and

''(3) the detention of such person pending transfer is necessary to ensure the safety of the community or the appearance of such person for transfer.

''(d) PRESUMPTION OF SUBSTANTIAL GROUNDS.—

''(1) IN GENERAL.—If the receiving country is included among the countries on the most current list submitted to the appropriate congressional committees by the Secretary of State under section 4104 of this title, a court reviewing the proposed transfer of a person under paragraph (1) or (2) of subsection (a), or a court reviewing an application for a warrant with respect to a person under subsection (c), shall, except as provided in paragraph (2), presume there are substantial grounds for believing that such person would be in danger of being subjected to torture in the receiving country.

''(2) EXCEPTION.—The presumption in paragraph (1) shall not apply with respect to a person if the head of the appropriate government agency concerned makes an affirmative showing to the court that there is in place a mechanism to assure the head of the agency, in a verifiable manner, that such person will not be tortured in the receiving country including, at a minimum, immediate, unfettered, and continuing access from the point of transfer to such person by the International Committee of the Red Cross or its designee.

''§ 4103. Approval of Foreign Intelligence Surveillance Court required for transfers of persons between foreign countries

''(a) IN GENERAL.—The Foreign Intelligence Surveillance Court shall, upon a petition submitted under subsection (b), approve the transfer of a person covered by such petition from one foreign country to another foreign country for purposes of section 4102(a)(3) of this title if the Court determines and certifies that there are substantial grounds to believe such person would not be in danger of being subjected to torture in the receiving country.

''(b) PETITION.—

''(1) IN GENERAL.—The head of an appropriate government agency seeking the transfer of a person from one foreign country to another foreign country for purposes of section 4102(a)(3) of this title shall submit to the Foreign Intelligence Surveillance Court a petition seeking the approval and certification of the Court under subsection (a).

''(2) ELEMENTS.—The petition submitted under this subsection with respect to a person shall include the following:

''(A) The name, nationality, and current location of such person.

''(B) A factual explanation of the facts that caused, or are expected to cause, such person to be within the custody or control, whether direct or indirect, of the United States Government.

''(C) The specific purpose for the transfer covered by the petition, including the receiving country of the transfer.

''(D) A declaration that the transfer does not violate any applicable law or treaty of the United States.

''(E) Any other information the Court considers appropriate for purposes of this section.

''(c) PRESUMPTION OF SUBSTANTIAL GROUNDS.—

''(1) IN GENERAL.—If the receiving country in a petition under subsection (b) is included among the countries on the most current list submitted to the appropriate congressional committees by the Secretary of State under section 4104 of this title, the Foreign Intelligence Surveillance Court shall, except as provided in paragraph (2), presume there are substantial grounds for believing that the person covered by the petition would be in danger of being subjected to torture in the receiving country.

''(2) EXCEPTION.—The presumption in paragraph (1) shall not apply with respect to a person if the head of the appropriate government agency concerned makes an affirmative showing to the Court that there is in place a mechanism to assure the head of the agency, in a verifiable manner, that such person will not be tortured in the receiving country including, at a minimum, immediate, unfettered, and continuing access from the point of transfer to such person by the International Committee of the Red Cross or its designee.

''§ 4104. Annual reports on countries using torture

''(a) ANNUAL REPORTS REQUIRED.—The Secretary of State shall submit to the appropriate congressional committees on an annual basis a report listing each country where torture is known to be used.

''(b) BASIS OF REPORTS.—Each report shall be compiled on the basis of the information contained in the most recent annual report of the Secretary of State submitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 28, United States Code, and at the beginning of part IV of such title, are each amended by adding after the item relating to chapter 180 the following new item:

''181. Expulsion, Return, or Extradition of Persons to Countries Engaging in Torture ..... 4101''.

(b) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than 60 days after the effective date of this section under subsection (e), the heads of the appropriate government agencies shall prescribe interim regulations for the purpose of carrying out chapter 181 of title 28, United States Code (as added by subsection (a)), and implementing the obligations of the United States under Article 3 of the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos

contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

(2) FINAL REGULATIONS.—Not later than 180 days after interim regulations are prescribed under paragraph (1), and following a period of notice and opportunity for public comment on such interim regulations, the heads of the appropriate government agencies shall prescribe final regulations for the purposes described in paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE GOVERNMENT AGENCIES.—The term ''appropriate government agencies'' has the meaning given that term in section 4101 of title 28, United States Code (as so added).

(B) CONVENTION AGAINST TORTURE.—The term ''Convention Against Torture'' means the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(c) INITIAL REPORT ON COUNTRIES USING TORTURE.—The Secretary of State shall submit the initial report required by section 4104(a) of title 28, United States Code (as so added), not later than 30 days after the effective date of this section under subsection (e).

(d) REPEAL OF SUPERSEDED AUTHORITY.—

(1) REPEAL.—Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) is repealed.

(2) TEMPORARY CONTINUATION OF EFFECTIVENESS OF CURRENT REGULATIONS.—Regulations prescribed under section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 that are in effect on the effective date of this section under subsection (e) shall remain in effect until the heads of the appropriate government agencies prescribe interim regulations under subsection (b)(1).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

SA 2240. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X of division A, add the following:

SEC. 10___. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (d), based upon—

(1) the existence or extent of any requirement or condition under that program that—

(A) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(B) waives the applicability of any limitation described in subparagraph (A) for eligible homeowners who are elderly or senior citizens; or

(2) any requirement under section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) to determine cost effectiveness.

(b) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (d), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or the environment under paragraph (1).

(c) SAVINGS PROVISION.—Except as provided in subsections (a) and (b), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (d) that are used by the State of Louisiana under the Road Home Program of that State.

(d) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2241. Mr. MCCONNELL proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that ''[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally''.

(3) The Iraq Study Group noted that ''Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world''.

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that ''a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. . . . The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.''

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that ''Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence''.

(8) The Iraq Study Group noted that ''Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons.''

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, ''Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs.''

(11) The Iraq Study Group found that ''[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

SA 2242. Mr. BIDEN (for himself, Ms. CANTWELL, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. POLICY AGAINST THE ESTABLISHMENT OF PERMANENT BASES IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to a September 2006 poll conducted by the Program for International Policy Attitudes at the University of Maryland, 97 percent of Sunni Arabs and 77 percent of all Iraqis believe that the United States intends to maintain permanent bases in Iraq.

(2) General John Abizaid testified before Congress in March 2006 that the United States ''must make clear to the people of the region we have no designs on their territory or resources''.

(3) Iraqi Prime Minister Nuri al-Maliki, in an April 13, 2007, interview with al-Arabiya Television, said, ''When we see that our forces are built, and that we are prepared to take full responsibility for the security issue, we will ask the international forces to leave the country.''

(4) The Iraq Study Group recommended that ''the United States can begin to shape a positive climate for its diplomatic efforts, internationally and within Iraq, through public statements by President Bush that reject the notion that the United States seeks to control Iraq's oil, or seeks permanent military bases within Iraq''.

(5) President George W. Bush has not adequately publicly stated that the United

States does not seek permanent military bases in Iraq.

(6) A declaration that the United States does not seek permanent military bases in Iraq should not be taken as a sign of a precipitous military redeployment from Iraq.

(7) United Nations Security Council Resolution 1546 (2004) resolves that United States and Coalition forces in Iraq are present at the request of the Government of Iraq and that the mandate of these forces shall be reviewed at least every 12 months and will terminate at the request of the Government of Iraq.

(b) SENSE OF THE SENATE.—The Senate calls upon the President—

(1) to communicate a message to the people of Iraq that the United States neither seeks to control Iraq's oil resources nor seeks permanent United States military bases in Iraq; and

(2) to direct the United States Permanent Representative to the United Nations to work with other Members of the Security Council and the Government of Iraq to craft in a timely manner a Security Council Resolution to update the mandate of the Multi-National Force-Iraq.

(c) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until January 1, 2009, the Secretary of Defense shall submit to Congress an unclassified report, with classified annexes as necessary, on the status of United States military installations in Iraq, which shall include the following elements:

(1) Information on military installations that have been transferred to Iraqi control, that remain under United States control, and that have been decommissioned.

(2) A schedule on plans to turn over the remaining military installations to Iraqi control.

(3) Information on negotiations towards a status of forces agreement between the United States and the Government of Iraq.

(4) Specific information on the following military installations:

(A) Camp Al Asad (Anbar governorate).

(B) Logistics Support Area Anaconda (Salah ad Din governorate).

(C) Contingency Operating Base Speicher – Al Sahra Airfield (Salah ad Din governorate).

(D) Camp Victory (Anbar governorate).

(E) Camp Adder at Tallil Airbase (Dhi Qar governorate).

(F) Camp Korean Village at Al-Walid Airbase (Anbar governorate).

(G) Forward Operating Base Endurance at Qayyarah Airbase West (Ninewah governorate).

(H) Convoy Support Center Scania (Qadisiyah governorate).

SA 2243. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ANTI-TERRORISM FORCE PROTECTION HYDROGRAPHIC SURVEY SYSTEMS FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE TARGETING AND ENGAGEMENT OPERATIONS.

Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Navy, and available for Power Projection Advanced Technology (PE #0603114N), $3,000,000 may be available for the development of an Autonomous Unmanned Surface Vessel as a high-endurance, Anti-Terrorism Force Protection, Hydrographic Survey, Intelligence, Surveillance and Reconnaissance system supporting military missions.

SA 2244. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION OF SEPARATING MEMBERS OF THE ARMED FORCES BY SECRETARY OF DEFENSE TO STATE VETERANS AGENCIES AND LOCAL OFFICES OF DEPARTMENT OF VETERANS AFFAIRS.

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent of the member, provide the address and other appropriate contact information of the member to the State veterans agency and every office of the Department of Veterans Affairs in the State in which the veteran will first reside after separation.

SA 2245. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, insert ''and every office of the Department of Veterans Affairs'' after ''State veterans agency''.

SA 2246. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION OF SEPARATING MEMBERS OF THE ARMED FORCES BY SECRETARY OF DEFENSE TO STATE VETERANS AGENCIES AND LOCAL OFFICES OF DEPARTMENT OF VETERANS AFFAIRS.

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent of the member, provide the address and other appropriate contact information of the member to the State veterans agency and the local office of the Department of Veterans Affairs in the State in which the veteran will first reside after separation.

SA 2247. Mr. SANDERS submitted an amendment intended to be proposed to amendment 2055 submitted by Mr. LIEBERMAN (for himself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, insert ''and the local office of the Department of Veterans Affairs'' after ''State veterans agency''.

SA 2248. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 865. CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION ON CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—The head of an agency may not enter into a contract for the performance of any inherently governmental function.

(b) PROHIBITION ON CONTRACTS FOR CONTRACT OVERSIGHT.—

(1) PROHIBITION.—The head of an agency may not enter into a contract for the performance of acquisition functions closely associated with inherently governmental functions with any entity unless the head of the agency determines in writing that—

(A) neither that entity nor any related entity will be responsible for performing any of the work under a contract which the entity will help plan, evaluate, select a source, manage or oversee; and

(B) the agency has taken appropriate steps to prevent or mitigate any organizational conflict of interest that may arise because the entity—

(i) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(ii) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(iii) has a reverse role with the contractor to be overseen under one or more separate Government contracts; or

(iv) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(2) RELATED ENTITY DEFINED.—In this subsection, the term ''related entity'', with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) DEFINITIONS.—In this section:

(1) The term ''agency'' means the Department of Defense, and any department, agency, and element of the Department of Defense, and includes the Coast Guard when it is operating as a service in the Navy.

(2) The term ''inherently governmental functions'' has the meaning given to such term in part 7.5 of the Federal Acquisition Regulation.

(3) The term ''functions closely associated with governmental functions'' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(4) The term ''organizational conflict of interest'' has the meaning given such term in part 9.5 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after such date.

SA 2249. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1107. EDUCATIONAL ASSISTANCE IN SUPPORT OF THE NUCLEAR MISSIONS OF THE NAVY.

(a) IN GENERAL.—The Secretary of the Navy is authorized to carry out a program to provide scholarships, fellowships, and grants for pursuit of programs of education at institutions of higher education that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

(b) ELEMENTS.—The program under subsection (a) shall include the following:

(1) Merit-based scholarships for undergraduate study.

(2) Research fellowships for study the graduate level.

(3) Grants to support the establishment at 2-year public institutions of higher education of programs of study and training that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

(4) Grants to increase the utilization of training, research, and test reactors at institutions of higher education.

(5) Any other elements that the Secretary considers appropriate.

(c) CONSULTATION.—In developing the program, the Secretary shall consult with trade organizations, technical societies, organized labor organizations, and other bodies having an interest in the program.

(d) REPORT ON PROGRAM.—Not later than January 31, 2008, the Secretary shall submit to Congress a report on the program under subsection (a), including a description of the program and a statement of the funding required during fiscal years 2009 through 2013 to carry out the program.

(e) REPORT ON WORKFORCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy during the 10-year period beginning on the date of the report.

(2) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2250. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. REVIEW OF LICENSED MENTAL HEALTH COUNSELORS, SOCIAL WORKERS, AND MARRIAGE AND FAMILY THERAPISTS UNDER THE TRICARE PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of—

(1) conducting an independent study of the comparability of credentials, preparation, and training of individuals practicing as licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program to provide mental health services; and

(2) making recommendations for permitting such professionals to practice independently under the TRICARE program.

(b) ELEMENTS.—The study required by subsection (a) shall provide for each of the health care professions referred to in subsection (a)(1) the following:

(1) An assessment of the educational requirements and curriculums relevant to mental health practice for members of such profession, including types of degrees recognized, certification standards for graduate programs for such profession, and recognition of undergraduate coursework for completion of graduate degree requirements.

(2) An assessment of State licensing requirements for members of such profession, including for each level of licensure if a State issues more than one type of license for the profession. The assessment shall examine requirements in the areas of education, training, examination, continuing education, and ethical standards, and shall include an evaluation of the extent to which States, through their scope of practice, either implicitly or explicitly authorize members of such profession to diagnose and treat mental illnesses.

(3) An analysis of the requirements for clinical experience in such profession to be recognized under regulations for the TRICARE program, and recommendations, if any, for standardization or adjustment of such requirements with those of the other professions.

(4) An assessment of the extent to which practitioners under such profession are authorized to practice independently under other Federal programs (such as the Medicare program, the Department of Veterans Affairs, the Indian Health Service, Head Start, and the Federal Employee Health Benefits Program), and a review the relationship, if any, between recognition of such profession under the Medicare program and independent practice authority for such profession under the TRICARE program.

(5) An assessment of the extent to which practitioners under such profession are authorized to practice independently under private insurance plans. The assessment shall identify the States having laws requiring private insurers to cover, or offer coverage of, the services of members of such profession, and shall identify the conditions, if any, that are placed on coverage of practitioners under such profession by insurance plans and how frequently these types of conditions are used by insurers.

(6) An historical review of the regulations issued by the Department of Defense regarding which members of such profession are recognized as providers under the TRICARE program as independent practitioners, and an examination of the recognition by the Department of third party certification for members of such profession.

(c) PROVIDERS STUDIED.—It the sense of Congress that the study required by subsection (a) should focus only on those practitioners of each health care profession referred to in subsection (a)(1) who are permitted to practice under regulations for the TRICARE program as specified in section 119.6 of title 32, Code of Federal Regulations.

(d) CLINICAL CAPABILITIES STUDIES.—The study required by subsection (a) shall include a review of outcome studies and of the literature regarding the comparative quality and effectiveness of care provided by practitioners within each of the health care professions referred to in subsection (a)(1), and provide an independent review of the findings.

(e) RECOMMENDATIONS FOR TRICARE INDEPENDENT PRACTICE AUTHORITY.—The recommendations provided under subsection (a)(2) shall include specific recommendation (whether positive or negative) regarding modifications of current policy for the TRICARE program with respect to allowing members of each of the health care professions referred to in subsection (a)(1) to practice independently under the TRICARE program, including recommendations regarding possible revision of requirements for recognition of practitioners under each such profession.

(f) REPORT .—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a).

SA 2251. Mr. LAUTENBERG (for himself, Mr. SPECTER, Mr. MENENDEZ, Mr. CORNYN, Mr. COLEMAN, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. CLINTON, Mr. CASEY, Ms. COLLINS, and Mr. GRAHAM) submitted an amendment intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUSTICE FOR MARINES AND OTHER VICTIMS OF STATE-SPONSORED TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Marines and Other Victims of State-Sponsored Terrorism Act''.

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

''§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

''(a) IN GENERAL.—

''(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

''(2) CLAIM HEARD.—The court shall hear a claim under this section if—

''(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

''(B) the claimant or the victim was—

''(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

''(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

''(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

''(b) DEFINITION.—For purposes of this section—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

''(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

''(1) 10 years after April 24, 1996; or

''(2) 10 years from the date on which the cause of action arose.

''(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

''(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

''(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

''(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

''(h) PROPERTY DISPOSITION.—

''(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

''(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

''(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.''.

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

''1605A. Terrorism exception to the jurisdictional immunity of a foreign state.''.

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

''(g) PROPERTY IN CERTAIN ACTIONS.—

''(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

''(A) the level of economic control over the property by the government of the foreign state;

''(B) whether the profits of the property go to that government;

''(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

''(D) whether that government is the sole beneficiary in interest of the property; or

''(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

''(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.''.

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

(3) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting ''or'' after the semicolon;

(ii) in paragraph (6)(D), by striking ''; or'' and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this section.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

SA 2252. Mr. DURBIN proposed an amendment to amendment SA 2241 proposed by Mr. MCCONNELL to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the bill's enactment.

SA 2253. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT ELIGIBILITY CONFIRMATION PILOT PROGRAMS.

(a) REQUIRING FEDERAL DEPARTMENTS AND AGENCIES TO PARTICIPATE IN THE BASIC PILOT PROGRAM.—Section 402(e)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

''(A) EXECUTIVE DEPARTMENTS AND AGENCIES.—Each department and agency of the Federal Government—

''(i) shall participate in the basic pilot program described in section 403(a);

''(ii) shall comply with the terms and conditions of such program.''.

(b) REQUIRING DEPARTMENT OF DEFENSE CONTRACTORS TO PARTICIPATE IN THE BASIC PILOT PROGRAM.—Section 402(e)(1) of such Act, as amended by subsection (a), is further amended by adding at the end the following:

''(C) DEPARTMENT OF DEFENSE CONTRACTORS.—The following entities shall participate in the basic pilot program described in section 403(a) and shall comply with the terms and conditions of such program:

''(i) A contractor who has entered into a contract with the Department of Defense to which section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) applies, and any subcontractor under such contract.

''(ii) A contractor who has entered into a contract with the Department of Defense that is exempted from the application of such Act by section 6 of such Act (41 U.S.C. 356), and any subcontractor under such contract.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SA 2254. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 358. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON PHYSICAL SECURITY OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the physical security of Department of Defense installations and resources.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of the progress in implementing requirements under the Physical Security Program as set forth in the Department of Defense Instruction 5200.08–R, Chapter 2 (C.2) and Chapter 3, Section 3: Installation Access (C3.3), which mandates the policies and minimum standards for the physical security of Department of Defense installations and resources.

(2) Recommendations based on the findings of the Comptroller General of the United States in the report required by section 344 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–366; 120 Stat. 2155).

(3) Recommendations based on the lessons learned from the thwarted plot to attack Fort Dix, New Jersey, in 2007.

SA 2255. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled ''National Guard Equipment Requirements'', outlines the ''Essential 10'' equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

SA 2256. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. SENSE OF CONGRESS ON PROGRAM ON FACILITATION OF TRANSITION OF MEMBERS OF THE ARMED FORCES TO RECEIPT OF VETERANS HEALTH CARE BENEFITS AFTER COMPLETION OF MILITARY SERVICE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense and the Secretary of Veterans Affairs should, in developing the comprehensive policy required by section 1611 as added by Senate amendment 2019, consider establishing a program that utilizes eligible entities to assist members of the Armed Forces, particularly members described in subsection (b), in applying for and receiving health care benefits and services from the Department of Veterans Affairs and otherwise after completion of military service in order to ensure that such members receive a continuity of care and assistance in and after the transition from military service to civilian life.

(b) TARGET POPULATIONS.—Members described in this subsection are all members of the Armed Forces, particularly the following:

(1) Members with serious wounds or injuries.

(2) Members with mental disorders.

(3) Women members.

(4) Members of the National Guard and the Reserves.

(c) VETERAN NAVIGATOR.—The program described in subsection (a) should include a requirement that eligible entities provide assistance under the program through qualified individuals who provide such assistance on an individualized basis to members of the Armed Forces described in subsection (a) as they transition from military service to civilian life and during the commencement of their receipt of health care benefits and services from the Department of Veterans Affairs and otherwise. An individual providing such assistance would be referred to as a ''veteran navigator''.

(d) ELIGIBLE ENTITIES DEFINED.—In this section, the term '' eligible entity'' means any entity or organization that—

(1) is independent of the Department of Defense and the Department of Veterans Affairs; and

(2) has or can acquire the capacity, including appropriate personnel, to provide assistance under the pilot program described in this section.

SA 2257. Mr. CORNYN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1043, insert the following:

(f) FOCUS ON IMPROVING INTERAGENCY COOPERATION IN POST-CONFLICT CONTINGENCY RELIEF AND RECONSTRUCTION OPERATIONS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The interagency coordination and integration of the United States Government for the planning and execution of overseas post-conflict contingency relief and reconstruction operations requires reform.

(B) Recent operations, most notably in Iraq, lacked the necessary consistent and effective interagency coordination and integration in planning and execution.

(C) Although the unique circumstances associated with the Iraq reconstruction effort are partly responsible for this weak coordination, existing structural weaknesses within the planning and execution processes for such operations indicate that the problems encountered in the Iraq program could recur in future operations unless action is taken to reform and improve interdepartmental integration in planning and execution.

(D) The agencies involved in the Iraq program have attempted to adapt to the relentless demands of the reconstruction effort,

but more substantive and permanent reforms are required for the United States Government to be optimally prepared for future operations.

(E) The fresh body of evidence developed from the Iraq relief and reconstruction experience provides a good basis and timely opportunity to pursue meaningful improvements within and among the departments charged with managing the planning and execution of such operations.

(F) The success achieved in departmental integration of overseas conflict management through the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433; 100 Stat. 992) provides precedent for Congress to consider legislation designed to promote increased cooperation and integration among the primary Federal departments and agencies charged with managing post-conflict contingency reconstruction and relief operations.

(2) INCLUSION IN STUDY.—The study conducted under subsection (a) shall include the following elements:

(A) A synthesis of past studies evaluating the successes and failures of previous interagency efforts at planning and executing post-conflict contingency relief and reconstruction operations, including relief and reconstruction operations in Iraq.

(B) An analysis of the division of duties, responsibilities, and functions among executive branch agencies for such operations and recommendations for administrative and regulatory changes to enhance integration.

(C) Recommendations for legislation that would improve interagency cooperation and integration and the efficiency of the United States Government in the planning and execution of such operations.

(D) Recommendations for improvements in congressional, executive, and other oversight structures and procedures that would enhance accountability within such operations.

SA 2258. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

Section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) in paragraph (1)—

(A) by striking ''23'' and inserting ''24''; and

(B) by striking ''55'' and inserting ''56''; and

(2) in paragraph (2), by striking ''55'' and inserting ''56''.

SA 2259. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. AMOUNT FOR FLASHLIGHT SOLDIER COMBAT IDENTIFICATION SYSTEM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $1,000,000.

(b) AVAILABILITY FOR FLASHLIGHT COMBAT IDENTIFICATION SYSTEM.—Of the amount authorized to be appropriated by section 201(4) for research development, test, and evaluation for Defense-wide activities, as increased by subsection (a), the amount available for Special Operations Technology Development may be increased by $1,000,000, with the amount of the increase to be available for the Flashlight Combat Identification System (FSCIS).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $1,000,000.

SA 2260. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. FIRE SCOUT CLASS IV VERTICAL TAKEOFF UNMANNED AERIAL VEHICLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army has purchased MQ–8B Fire Scout Vertical Takeoff Unmanned Aerial Vehicles (UAV) to satisfy the requirement for Class IV unmanned aerial vehicles under its Future Combat Systems program.

(2) The MQ–8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicle is based on the highly successful RQ–8A Vertical Takeoff Unmanned Aerial Vehicle System developed for the Navy, and is currently in test and evaluation having successfully completed more than 200 test flights since May 2002.

(3) Production of at least six Army MQ–8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicles has been completed, and final flight testing has been delayed until 2010.

(4) The United States Central Command has an urgent requirement for persistent command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) systems in support of ongoing operations.

(5) There are at least six Army MQ–8B Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicle aircraft available today that could be outfitted with appropriate sensors and deployed to rapidly satisfy the requirements of the United States Central Command.

(b) PROGRAM REQUIRED.—The Secretary of Defense shall take appropriate actions to field not less than six existing Army Fire Scout Class IV Vertical Takeoff Unmanned Aerial Vehicles, with appropriate sensors and communications capabilities and requisite ground control stations, for deployment to the United States Central Command area of operations by not later than February 2008.

(c) FUNDING.—Amounts authorized to be appropriated by this title may be available for procurement for purposes of subsection (b).

(d) REPORT.—Not later than December 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made toward meeting the requirements of subsection (b).

SA 2261. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting ''or the period beginning on October 1, 2007, and ending on September 30, 2014,'' after ''December 31, 2001,''.

SA 2262. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. ALEXANDER, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3126. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15(g)) is amended by striking ''on the date that is 3 years after the date of the enactment of this section'' and inserting ''October 28, 2012''.

SA 2263. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF REST AND RECUPERATION LEAVE.

Section 705(b)(2) of title 10, United States Code, is amended by inserting ''for members whose qualifying tour of duty is 12 months or less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months,'' after ''for not more than 15 days''.

SA 2264. Mr. LOTT submitted an amendment intended to be proposed by

him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended——

(1) in subsection (a), by adding at the end the following: ''However, the Retirement Home shall be treated as a military facility of the Department of Defense, and may not be privatized. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense.''; and

(2) by striking subsection (g) and inserting the following new subsection (g):

''(g) ACCREDITATION.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.''.

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: ''The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care''.

(e) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

''SEC. 1515A. CHIEF MEDICAL OFFICER.

''(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

''(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

''(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Operating Officer and the Local Board for each facility of the Retirement Home.

''(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

''(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

''(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

''(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

''(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

''(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

''(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

''(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

''(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

''(4) Periodically examine and audit the medical records and administration of the Retirement Home.

''(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

''(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.''.

(f) LOCAL BOARDS OF TRUSTEES.——

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

''(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

''(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

''(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

''(4) Not less frequently than once each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.''.

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

''(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).''.

(h) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. INSPECTION OF RETIREMENT HOME.

''(a) INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

''(2) The Inspector General shall advise the Secretary of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

''(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

''(2) The Inspector General may be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

''(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

''(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

''(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the Inspector General shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

''(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

''(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with Section 1422(a) of this amendment.

''(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization

in a timely manner for purposes of inspections under this subsection.

''(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing——

''(A) the results of the inspection; and

''(B) a plan to address any recommendations and other matters set forth in the report.

''(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.''.

(i) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

''(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.''.

SA 2265. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 299, line 7, strike ''fifth fiscal year'' and insert ''fourth fiscal year''.

On page 299, line 9, strike ''fifth fiscal year'' and insert ''fourth fiscal year''.

Beginning on page 486, strike line 7 and all that follows through page 487, line 5, and insert the following:

(A) by striking ''(1)'' and inserting ''(1)(A)''; and

(B) by adding at the end the following new subparagraph:

''(B)(i) Subject to clause (ii), the maximum lease amounts for the 350 units in subparagraph (A) may be waived and increased up to a maximum of $60,000 per unit per year.

''(ii) The Secretary concerned may not exercise the waiver authority under clause (i) until the Secretary has notified the congressional defense committees of such proposed waiver and the reasons therefor and a period of 21 days has elapsed or, if over sooner, 14 days after such notice is provided in an electronic medium pursuant to section 480 of this title.'';

(2) in paragraph (2), by striking ''the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy'' and inserting ''the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy'';

(3) by striking paragraphs (3) and (4) and redesignating paragraphs (5) and (6) as paragraphs (3) and (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (4) of this subsection, by striking ''paragraphs (1), (2), (3), and (4)'' and inserting ''paragraphs (1) and (2)''; and

(5) by inserting after paragraph (3) the following new paragraph:

''(4) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Army may lease not more than 3,975 units of family housing in Korea subject to a maximum lease amount of $46,000 per unit per year. That maximum lease amount shall be adjusted for foreign currency fluctuations and inflation from October 1, 2007.''.

SA 2266. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the OSD (P&R) as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The OSD (P&R) shall establish the Office for Reintegration Programs within the OSD. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze ''lessons learned'' and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Under Secretary of Defense shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve and Air Force Reserve, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Secretary of Defense.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard and Reserve organizations;

(ii) an assessment of any unmet resource requirements;

(iii) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard and Reserve organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard and Reserve organizations. The Office of Reintegration Programs shall consult with affected State National Guard and Reserve organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard or Reserve unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard or Reserve unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard and Reserve resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard or Reserve unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support

Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard or Reserve organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard and Reserve organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard and Reserve organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

SA 2267. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. SENSE OF SENATE ON COLLABORATIONS BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON HEALTH CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been recent collaborations between the Department of Defense, the Department of Veterans Affairs, and the civilian medical community for purposes of providing high quality medical care to America's wounded warriors. One such collaboration is occurring in Augusta, Georgia, between the Dwight D. Eisenhower Army Medical Center at Fort Gordon, the Augusta Department of Veterans Affairs Medical Center, the Medical College of Georgia, and local health care providers under the TRICARE program.

(2) Medical staff from the Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have been meeting weekly to discuss future patient cases for the Active Duty Rehabilitation Unit (ADRU) within the Uptown Department of Veterans Affairs facility. The Active Duty Rehabilitation Unit is the only rehabilitation unit in the Department of Veterans Affairs system for members of the Armed Forces on active duty.

(3) As of January 2007, 431 soldiers, sailors, airmen, and marines have received rehabilitation services at the Active Duty Rehabilitation Unit, and 26 percent of those treated have returned to active duty in the Armed Forces.

(4) The Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have combined their neurosurgery programs and have coordinated on critical brain injury and psychiatric care.

(5) The Department of Defense, the Army, and the Army Medical Command have recognized the need for expanded behavioral health care services for members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom. These services are currently being provided by the Dwight D. Eisenhower Army Medical Center.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should encourage continuing collaboration between the Army and the Department of Veterans Affairs in treating America's wounded warriors and, when appropriate and available, provide additional support and resources for the development of such collaborations, including the current collaboration between the Active Duty Rehabilitation Unit at the Augusta Department of Veterans Affairs Medical Center, Georgia, and the behavioral health care services program at the Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia.

SA 2268. Mr. DURBIN (for himself, Mr. INOUYE, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, Mr. BIDEN, Ms. MIKULSKI, Mrs. DOLE, Mr. REED, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. NURSE MATTERS.

(a) IN GENERAL.—The Secretary of Defense may provide for the carrying out of each of the programs described in subsections (b) through (f).

(b) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR COMMITMENT TO ADDITIONAL SERVICE IN THE ARMED FORCES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) COVERED OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer on active duty who has served for more than nine years on active duty in the Armed Forces as an officer of the nurse corps at the time of the commencement of the tour of duty described in paragraph (1).

(3) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school or nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving a full-time faculty member of such school.

(4) AGREEMENT FOR ADDITIONAL SERVICE.—Each officer who serves a tour of duty on the faculty of a school of nursing under this subsection shall enter into an agreement with the Secretary to serve upon the completion of such tour of duty for a period of four years for such tour of duty as a member of the nurse corps of the Armed Force concerned. Any service agreed to by an officer under this paragraph is in addition to any other service required of the officer under law.

(c) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve while on active duty a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school of nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving as a full-time faculty member of such school.

(3) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—(A) Each accredited school of nursing at which an officer serves on the faculty under this subsection shall provide scholarships to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.

(B) The total amount of funds made available for scholarships by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be not less than the amount equal to an entry-level full-time faculty member of that school for each year that such officer so serves on the faculty of that school.

(C) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(d) SCHOLARSHIPS FOR CERTAIN NURSE OFFICERS FOR EDUCATION AS NURSES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides scholarships to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) who enter into an agreement described in paragraph (4) for the participation of such officers in an educational program of an accredited school of nursing leading to a graduate degree in nursing.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who has served not less than 20 years on active duty in the Armed Forces and is otherwise eligible for retirement from the Armed Forces.

(3) SCOPE OF SCHOLARSHIPS.—Amounts in a scholarship provided a nurse officer under this subsection may be utilized by the officer to pay the costs of tuition, fees, and other educational expenses of the officer in participating in an educational program described in paragraph (1).

(4) AGREEMENT.—An agreement of a nurse officer described in this paragraph is the agreement of the officer—

(A) to participate in an educational program described in paragraph (1); and

(B) upon graduation from such educational program—

(i) to serve not less than two years as a full-time faculty member of an accredited school of nursing; and

(ii) to undertake such activities as the Secretary considers appropriate to encourage current and prospective nurses to pursue service in the nurse corps of the Armed Forces.

(e) TRANSITION ASSISTANCE FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) the assistance described in paragraph (3) to assist such officers in obtaining and fulfilling positions as full-time faculty members of an accredited school of nursing after retirement from the Armed Forces.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who—

(A) has served an aggregate of at least 20 years on active duty or in reserve active status in the Armed Forces;

(B) is eligible for retirement from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing or a related field which qualifies the nurse officer to discharge the position of nurse instructor at an accredited school of nursing.

(3) ASSISTANCE.—The assistance described in this paragraph is assistance as follows:

(A) Career placement assistance.

(B) Continuing education.

(C) Stipends (in an amount specified by the Secretary).

(4) AGREEMENT.—A nurse officer provided assistance under this subsection shall enter into an agreement with the Secretary to serve as a full-time faculty member of an accredited school of nursing for such period as the Secretary shall provide in the agreement.

(f) BENEFITS FOR RETIRED NURSE OFFICERS ACCEPTING APPOINTMENT AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to any individual described in paragraph (2) the benefits specified in paragraph (3).

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

(B) holds a graduate degree in nursing; and

(C) serves as a full-time faculty member of an accredited school of nursing.

(3) BENEFITS.—The benefits specified in this paragraph shall include the following:

(A) Payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

(B) Payment by the institution of higher education concerned of a salary and other compensation to which other similarly situated faculty members of the institution of higher education would be entitled.

(C) If the amount of pay and other compensation payable by the institution of higher education concerned for service as an associate full-time faculty member is less than the basic pay to which the individual was entitled immediately before retirement from the Armed Forces, payment of an amount equal to the difference between such basic pay and such payment and other compensation.

(g) ADMINISTRATION AND DURATION OF PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish requirements and procedures for the administration of the programs authorized by this section. Such requirements and procedures shall include procedures for selecting participating schools of nursing.

(2) DURATION.—Any program carried out under this section shall continue for not less than two years.

(3) ASSESSMENT.—Not later than two years after commencing any program under this section, the Secretary shall assess the results of such program and determine whether or not to continue such program. The assessment of any program shall be based on measurable criteria, information concerning results, and such other matters as the Secretary considers appropriate.

(4) CONTINUATION.—The Secretary may continue carrying out any program under this section that the Secretary determines, pursuant to an assessment under paragraph (3), to continue to carry out. In continuing to carry out a program, the Secretary may modify the terms of the program within the scope of this section. The continuation of any program may include its expansion to include additional participating schools of nursing.

(h) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SA 2269. Mr. REED (for Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 27, supporting the goals and ideals of ''National Purple Heart Recognition Day''; as follows:

On page 2 line 8 strike ''requests that the President issue a proclamation calling on'' and insert ''calls upon''.

NOTICE OF HEARING

Mr. KERRY. I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''Increasing Government Accountability and Ensuring Fairness in Small Business Contracting,'' on Wednesday, July 18, 2007, at 2:00 p.m. in room 428A of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Nikhil Sahai and Lauren Hughes of my staff be granted floor privileges for the duration of today's session.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, reappoints the following Member to the President's Export Council: the Honorable MIKE ENZI of Wyoming.

NATIONAL PURPLE HEART RECOGNITION DAY

Mr. REED. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 27 and that the Senate then proceed to its consideration.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) supporting the goals and ideals of ''National Purple Heart Recognition Day.''

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REED. I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2269) was agreed to, as follows:

On page 2 line 8 strike ''requests that the President issue a proclamation calling on'' and insert ''calls upon''.

The concurrent resolution (S. Con. Res. 27), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 27

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in a conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and is awarded posthumously to the next of kin of members of the Armed Forces who are killed in a conflict with an enemy force or who die of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of ''National Purple Heart Recognition Day'';

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

COMMENDING THE MINNESOTA NATIONAL GUARD

Mr. REED. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 41 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 41) commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REED. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 41) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 41

Whereas the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard, known as the Red Bull Division, is headquartered in Bloomington, Minnesota, and is made up of some 3,700 hard-working and courageous Minnesotans and some 1,300 more soldiers from other Midwestern States;

Whereas the 1st Brigade Combat Team has a long history of service to the United States, beginning with the Civil War;

Whereas the 1st Brigade Combat Team was most recently mobilized in September 2005 and departed for Iraq in March 2006;

Whereas the 1st Brigade Combat Team recently completed the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

Whereas during its deployment, the 1st Brigade Combat Team completed 5,200 combat logistics patrols, secured 2,400,000 convoy miles, and discovered 462 improvised explosive devices (IEDs) prior to detonation;

Whereas the 1st Brigade Combat Team processed over 1,500,000 million vehicles and 400,000 Iraqis into entry control points without any insurgent penetrations;

Whereas the 1st Brigade Combat Team captured over 400 suspected insurgents;

Whereas more than 1,400 members of the 1st Brigade Combat Team reenlisted during deployment and 21 members became United States citizens during deployment;

Whereas the 1st Brigade Combat Team helped start 2 Iraqi newspapers that provide news to the local population and publish stories on reconstruction progress;

Whereas the 1st Brigade Combat Team completed 137 reconstruction projects;

Whereas the deployment of the 1st Brigade Combat Team in Iraq was extended by 125 days in January 2007;

Whereas the 1st Brigade Combat Team and its members are now returning to the United States to loving families and a grateful Nation;

Whereas the families of the members of the 1st Brigade Combat Team have waited patiently for their loved ones to return and endured many hardships during this lengthy deployment;

Whereas the employers of the soldiers and family members of the 1st Brigade/34th Infantry Division have displayed patriotism over profit by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers of the soldiers and their families are great corporate citizens through their support of our armed forces and their family members;

Whereas communities throughout the Midwest are now integral participants in the Minnesota National Guard's extensive Beyond the Yellow Ribbon reintegration program that will help members of the 1st Brigade Combat Team return to normal life; and

Whereas the 1st Brigade Combat Team/34th Infantry Division has performed admirably and courageously, putting service to country over personal interests and gaining the gratitude and respect of Minnesotans, Midwesterners, and all Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom;

(2) recognizes the achievements of the members of the 1st Brigade Combat Team and their exemplary service to the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the Adjutant General of the Minnesota National Guard for appropriate display.

ORDERS FOR TUESDAY, JULY 17, 2007

Mr. REED. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, July 17; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders 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 half under the control of the Republicans and the second half under the control of the majority; that following morning business, the Senate resume consideration of H.R. 1585; that on Tuesday, the Senate recess from 12:30 p.m. to 2:15 p.m. for the respective conference work periods; further that the mandatory quorum required under rule XXII with respect to the cloture motions filed today be waived.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REED. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Tuesday, July 17, 2007, at 10 a.m.