United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, JULY 17, 2007 No. 114—Part II

Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5 Leg.]

Akaka	Gregg	Salazar
Cardin	Isakson	Schumer
Casey	Lincoln	Stabenow
Coburn	Menendez	Sununu
Craig	Mikulski	Tester
Dorgan	Murray	Thune
Durbin	Reid	Webb

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Madam President, I move to instruct the Sergeant at Arms to request the presence of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from Nevada, Mr. REID, to direct the Sergeant at Arms to request the attendance of absent Senators. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE, the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''nay.''

The result was announced—yeas 41, nays 37, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—41

Akaka	Harkin	Nelson (NE)
Baucus	Kennedy	Obama
Bayh	Kerry	Pryor
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Clinton	Lincoln	Tester
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—37

Barrasso	Domenici	Sessions
Bennett	Ensign	Shelby
Bond	Enzi	Smith
Brownback	Grassley	Snowe
Bunning	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Isakson	Thune
Coleman	Lieberman	Vitter
Collins	Lugar	Voinovich
Corker	Martinez	Warner
Craig	McConnell	
Crapo	Murkowski	

NOT VOTING—22

Alexander	DeMint	Kyl
Allard	Dole	Lott
Biden	Feinstein	McCain
Bingaman	Graham	Nelson (FL)
Burr	Hutchison	Roberts
Byrd	Inhofe	Rockefeller
Conrad	Inouye	
Cornyn	Johnson	

The motion was agreed to.

The PRESIDING OFFICER (Mr. WEBB.) A quorum is now present.

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the Levin amendment occur at 11 a.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object for a moment.

Mr. REID. I will yield in 1 second.

Mr. President, I would further say that we are going to have another vote sometime later this morning. I have talked to both majority and minority, and there is no time that is appropriate. So I arbitrarily am going to state at this time that we are going to have another vote. It will not occur before 5 a.m. It could be a little before, a little after that, depending on what is happening on the floor. We will have another vote, but it won't be before 5 this morning.

Mr. MCCONNELL. Mr. President, as I understand the majority leader, the unanimous-consent request is that we have a cloture vote on the Levin amendment at 11, and there will be not another procedural rollcall vote prior to 5 a.m.

Mr. REID. I would further state, and I should have cleared this with the minority leader, and I did not, I would ask that the last 20 minutes prior to the 11 o'clock vote be left for Senator MCCONNELL, 20 to the hour would be the minority leader, 10 to the hour would be me. We each would get 10 minutes.

Mr. MCCONNELL. Do I further understand the majority leader that there would not then be additional votes between the procedural vote at 5 a.m. or later and the 11 o'clock vote?

Mr. REID. I think that is true. We have the Senate Prayer Breakfast, we have a steering committee meeting at 9. I think people have other things scheduled. I think we have done the votes tonight, so that should work out fine.

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

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Mr. MCCONNELL. It is my understanding that there will be two more votes on this matter—a procedural vote not to occur earlier than 5 a.m., and then one additional vote at 11 o'clock on the cloture on the Levin amendment.

Mr. REID. That is true. I ask unanimous consent that the vote occur at 11, that Senator MCCONNELL and I be recognized as I have indicated, and that we will proceed with the debate on this issue during the morning hour.

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

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the following Senators on our side be recognized in the following order: Senator ISAKSON from Georgia, Senator COBURN from Oklahoma, Senator THUNE of South Dakota, and Senator SNOWE of Maine, alternating with the designees of the other side.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, the Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise to address the issue before the Senate. I have stayed all night and listened to remarks from my colleagues on both sides. I have tremendous respect for each and every one of them.

I do have some issues, however, with some rhetorical questions that have been asked and not responded to and I think are some voices that have been referred to that have not been really answered that I would like to address in my few minutes.

First of all, the Levin-Reed amendment specifically calls for a withdrawal beginning 120 days from now and completed by the spring of next year. Unconditional, notwithstanding whatever action may be taking place on the ground, what progress may or may not have been made, a precipitous and a final withdrawal.

What I would like to talk about is something that no one has mentioned; that is, the consequences if that actually takes place. I would like to do it in the context of the rhetorical question that was asked by the Senator from New Jersey, who asked the question: How many more lives?

His reference, I know, was to the soldiers in the American and the allied forces in Iraq. But the question is meritorious as a response to the consequences of a Levin-Reed amendment passing.

I joined the Foreign Relations Committee this year, as the Presiding Officer has as well. I noted that he did what I did. He sat through almost all of the hearings we had in January and February on the question of the surge and the question of withdrawal and redeployment. We all heard the same thing. Expert after expert argued over whether the surge would or would not work, or the degree to which it would work.

But no one, no one—from former Secretary Madeline Albright or former Secretary Colin Powell to JOHN MURTHA, the representative in the Congress, to Newt Gingrich, the former Speaker, all of whom testified, and 20 others, everyone said the result of a withdrawal or redeployment at that period in January would mean countless untold loss of life in Iraq. And most of them said it would cause a great loss of life in the entire Middle East.

I have had visits from representatives of other Middle Eastern countries who have said: Please do not have a precipitous withdrawal because we will not be able to contain the sectarian violence that will certainly follow.

Now, does that mean we should remain as an occupying peacekeeper? No. But it means if we have objectives and benchmarks for victory, we should give ourselves the chance for that to take place.

In May of this year, we had the debate we are having again today. In May of this year, on the Iraqi supplemental—which was to fund the war in Iraq for our soldiers—we had this debate on whether we should withdraw. We decided not to do it. And that was the right decision. We further decided to put some benchmarks, that we should judge the merits of our progress in part by July 15, and then later on September 15. The President reported 3 days early on July 15 the progress that has been made.

Some has been made, some has not been made. But we all determined that it would be September, and the report of General Petraeus, the man we unanimously put in charge of the battle, as to whether we went forward, proceeded the way we were or changed our strategy.

I do not know what the results of the September 15 report are going to be, but I know I agree with the lady by the name of Lucy Harris. Lucy is the kind of person to whom we ought to all listen. Her son, Noah, 1LT Noah Harris, died in Iraq 2 years ago. He was an e-mail buddy with me during his tour, so I knew a little bit about why he was there and what he believed.

Noah Harris was a young man who, on September 11, 2001, was at the University of Georgia and a cheerleader. The day the incident, terrible incident took place in New York City, Noah Harris went straight to Army ROTC as a junior ROTC, applied for ROTC, studied to become a commissioned officer, solely because of the inspiration he had gotten from seeing that tragedy and knowing that he wanted to represent his country and do something to pursue terrorism.

He went in the Army in 2004, was on the ground in Iraq, became known as the Beanie Baby Soldier because in the one pocket he carried bullets, in the other he carried Beanie Babies. He befriended the Iraqi children.

Noah died tragically. I went to his funeral. I paid respect to his parents. I have listened to Lucy, and I have followed her comments in the 2 years that have passed since his tragic loss.

This week, on July 15, in the Columbus newspaper in Georgia and other newspapers in a syndicated article, Ms. Harris was interviewed regarding the current debate that we are having on the floor of the Senate. I would like to quote two quotes from that article. First quote from Lucy Harris:

> ''They should just defer to Petraeus,'' Lucy Harris said of GEN David Petraeus, the commander of forces in Iraq. ''It's a political game.''

Mr. President, I would ask unanimous consent to have printed in the RECORD this entire article.

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

(See exhibit 1.)

Mr. ISAKSON. Then, secondly, at the end of the article, I think a paragraph that all of us should hear: Lucy said the following:

> We're talking about boots on the ground, real people. When I think about my son who could have done anything with his life, but he fought because he believed in his country and what we are doing in Iraq. . . . I just don't want it to have been in vain.

Well, I want to say to Lucy Harris and the parents of every soldier and the loved ones of every soldier who has been deployed, and especially those whose lives have been lost, we don't want them to be in vain, nor do we want them to be deployed in an endless occupation. We have a benchmark going to September 15, a general who had the unanimous support of this body, and operating under a funding mechanism that received an 80-vote margin in May.

Let's end the quibbling at this moment on what we do and give the plan a chance to have its final merits judged and weighed by the man who is on the ground.

As I said at the outset of my remarks, I can completely respect the statements everybody made and the opinions of everybody here. But this is a very serious question. And we should vote, and will vote, tomorrow at 11. When we do, I will not vote for cloture because I want to continue the commitment that was made by this body in the middle of May on the funding of the Iraq supplemental, the timetable for reports to come back, and the conditions upon which we would change, a new way forward, if and only if, those benchmarks were not met and progress was not being weighed.

I think we owe it to Lucy Harris. We owe it to the legacy of the sacrifice her son made and the sacrifice made by the countless men and women who are in Iraq and those who have served before them.

I yield the floor.

EXHIBIT 1

[From the Columbus Ledger-Enquirer, July 15, 2007]

SENATORS GRAPPLE WITH IRAQ POLICY

(By Halimah Abdullah)

For Rick and Lucy Harris and the small town of Ellijay, Ga., the Iraq war isn't just some policy debate raging on the floor of the U.S. Senate. It's about the frailty of life and

the power of one young man's sacrifice to spur others into action.

First Lt. Noah Harris's death two years ago while serving in Iraq brought the conflict home to that community. Now, the Iraq war dominates conversations.

''It's the discussion in classes. It's the discussion in town. Everyone is very interested in what is going on,'' said Noah's mother, Lucy Harris.

So it's with no small degree of annoyance that the Harris family has watched the back and forth in the Senate over changing Iraq war policy.

''They should just defer to Petraeus,'' Lucy Harris said of Gen. David Petraeus, the commander of forces in Iraq. ''It's a political game.''

Republicans leaders such as Georgia Sens. Saxby Chambliss and Johnny Isakson are in a tough position as they try to assuage the concerns of people at home, like the Harris family, while helping the GOP navigate the debate on funding an increasingly unpopular war backed by a president whose support is also on the wane.

A recent Gallup poll showed President Bush's approval rating at 29 percent, and 71 percent of Americans favoring a proposal to remove almost all U.S. troops from Iraq by April 2008. The president's job approval rating in a recent AP-Ipsos was 33 percent.

As Chambliss and Isakson consider changes to the Iraq war policy they do so amid a climate of several high ranking Senate Republican defections, Including that of Sen. Richard lugar, R-Ind., the ranking Republican on the Senate Foreign Relations Committee. The departures have included Sen. John Warner, R-Va., and the moderate-leaning Sen. Olympia Snowe, R-Maine.

For Republicans, the signs of strain are starting to show.

''It is Important for us to continue to pursue the goals of the surge, and have a debate not in advance of the facts but after we know the facts as they stand,'' Isakson said on the Senate floor Wednesday.

The White House has urged Republican lawmakers to wait until Petraeus, the top U.S. military commander in Iraq, gives a report on the war's progress in September before voting on any major policy changes.

While most Republican leaders have agreed to do this, they've also acknowledged that congressional and public patience for the war effort is growing thin.

''I think what's happening is that we've come to a critical point,'' Isakson said,

Jennifer Duffy, a political analyst and managing editor with the nonpartisan Cook Political Report, put it bluntly.

''There's just so many bullets for a lame duck president—especially an unpopular one, that (Republican leaders) can be expected to take,'' she said.

''Georgia, like most of the South is still more supportive of the war in Iraq than the rest of the nation,'' said Charles Bullock, a political science professor at the University of Georgia and author of the book ''The New Politics of the Old South.''

The Harris family and the folks in Ellijay could not care less about the politics behind the war, or how Senate votes and defections will impact politicians. As a community that has watched their young people go off to war, they are intensely interested in seeing just how military leaders will define victory In Iraq.

''We're talking about boots on the ground, real people,'' Harris said. ''When I think about my son who could have done anything with his life, but he fought because he believed in his country. In what we were doing in Iraq . . . I just don't want it to be in vain.''

That range of emotions surrounding military sacrifice isn't lost on Chambliss and Isakson.

Recently, Chambliss made sure a measure to provide wounded soldiers better medical care was included in the defense authorization bill currently being debated by Senate.

Such efforts are welcome news to Harris, who often speaks at public events about her son.

''My son's mantra was 'I do what I can,' '' she said, her voice trailing off.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that the next Democratic speaker be Senator HARKIN.

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

Mr. AKAKA. Mr. President, I rise to express my very deep concern about the administration's ongoing policy in Iraq. As a member of the Senate Armed Services Committee and chairman of the Subcommittee on Readiness, I have had the privilege to hear the testimony of our troop commanders, to hear our soldiers, to hear their families, and now—now more than ever—I insist we bring an end to this conflict.

Already too many lives have been lost, too many men and women have been wounded and permanently injured, and too many spouses, parents, and children have suffered the pain of separation and too often permanent loss of a loved one.

Yet according to the new National Intelligence Estimate, al-Qaida is growing stronger, and we are no closer to achieving a sustainable security in Iraq. We must make it clear to the Iraqi political leaders that the future of Iraq is in their hands, and they must learn to reach the political compromises necessary for a functioning democracy.

Once again, we are at a crossroads. We can either continue to pursue a policy that is no longer working or we can move forward and implement a strategy that will set us on a new course. The time is now to reevaluate the costs of this war.

We must understand that the long-term responsibility for caring for those injured during their service and for the families of those who died is a true cost of war. Over 3,600 members of the Armed Forces have given their lives in the service of this Nation. Thousands more will come home with injuries, both physical and psychological, that will require treatment and rehabilitation, processes that can take, as we know now, many years. Invisible wounds that are difficult to detect, such as PTSD and mild to moderate traumatic brain injury, will affect a great many servicemembers. In addition, it will make it difficult for them to adjust to civilian life as they deal with long-lasting visions and experiences they encountered in combat.

While we can help the brave troops by passing critical legislation that will provide much needed counseling, these invisible wounds will take a long time to heal. Clearly, the total cost of the current conflicts includes both the loss of lives and resources needed to help a new generation of young combat veterans heal.

The American people also believe that now is the time to begin the process of bringing our troops home. According to a recent poll, 63 percent of Americans believe that we should no longer continue on the present course of action set by the administration. They believe, as I believe, that the present surge has not been a success, and waiting until September to reconsider our approach is simply prolonging a war that is no longer our fight.

I urge my Senate colleagues to support the Levin-Reed amendment to the Defense authorization bill, which will send a clear message to the citizens of this country that we hear their concerns and we agree it is time to bring our loved ones home.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Oklahoma.

Mr. COBURN. Madam President, I do not speak very often on the floor on issues such as that we are talking about today. We have a wonderful heritage in this country, and somehow we find ourselves in the midst of a mess. We find ourselves in a position where we have made decisions, some of them poor, some of them good, but we find ourselves—and I agree—at a crossroads.

The question in front of us is threefold: One is we have a plan which we instituted less than a month ago and that we set up early this year, which we are now wanting to change with the Reed-Levin amendment before we have data to tell us one way or another, and that is debatable. We have a large number of Americans who have given the ultimate sacrifice in the war in Iraq. But the question before us is what is the world like today? What is it that is going to change if we leave Iraq? What are the consequences?

Senator LIEBERMAN spoke very eloquently about what the plans of al-Qaida are and what they have told us, but what happens to the Middle East when we leave?

I am reminded of the history of this country that we do not walk away if we have a mess and allow millions of people to die and millions of other people to be displaced without having a strategy that will solve that situation. And I do not see that in the Reed-Levin amendment.

I know the contention is that because we are there, we incite more violence; because we are there, al-Qaida has focused there. But the very thing we attempted to do in Afghanistan, we will recreate the situation prior to our going into Afghanistan if we leave Iraq. But the more important question for me is: Do we as a nation have a moral obligation, regardless of the past?

The fact is we are in Iraq today and some situations are improving and some are not improving nearly as fast as any and all of us want. But is there a moral obligation for this country not

to allow this to lead to 2 to 3 million deaths, not to allow for sure the 450,000 people who have been successful helping us who will come under the threat of death, not to allow the displacement of another 2 to 5 million Iraqis out of Iraq? Do we have a moral obligation not to allow Iran to be in control and use Iraq as a basis for their dominance of the Persian Empire again in the Middle East? Is there any obligation for us in that regard? I think there is.

I look at the situation in Iraq as a cancer, as a physician and also as a cancer survivor. There is lots wrong in Iraq right now. We are at the point where we have to make very hard choices about whether the patient can be saved. My concern is that because the treatment is tough, because the risk of the treatment is high, we are to the point where we are going to let the patient die. The fact is the patient does not have to die.

I do not dispute my colleagues who have a different opinion on where we should go in Iraq. What I do dispute is whether we recognize fully the obligations we have for the future.

What is going to happen as we withdraw? Can anybody in this body guarantee to me 2 or 3 or 4 years later down the road that we are not going to put a whole lot of American lives at risk because of the decision we made to turn off the chemotherapy, to turn off the radiation for the patient? What we are saying is, we are going to ration this; we started down the road, but we are not going to finish it.

There has not ever been a time in my life, being alive during the Korean war, the Vietnam war, and this war, that I have not seen controversy about any war we have been in. Anybody who has been around those three wars knows that is the truth. The question for me is what is the best long-term—long-term, not short-term—policy for our country in terms of stabilizing the Middle East? What is the moral obligation for us as a nation? Having invaded Iraq and set in motion many of these situations, how do we measure it and how do we live up to the heritage we have as a country that stands to fulfill moral obligations?

I have to answer a couple of statements that were made earlier. Any innuendo that members of the Republican conference are having their arms twisted to support the President in this war is a bold face misrepresentation of the facts. On issues such as this, all my colleagues know nobody is twisting their arm to be against it and no one is twisting my arm to support the policy. As a matter of fact, the statement by the Senator from Ohio that Vice President CHENEY comes in every week and gives us a pep talk on the issue—I have been attending the conference for 2½ years, and I heard him speak once in 2½ years on Iraq. So the politics of negative comments taken out of context should be labeled what they are.

The other fact I know, the Senator from New Jersey talked about maybe more of the Members of the Senate should have our children in Iraq. I know the Presiding Officer had a son recently return, but I know there are people in this body who have children in Iraq—one of Senator MCCAIN's sons is due to ship out this month—who have an opinion, a different opinion than what the Reed-Levin amendment would consider.

So I think it is highly unfair to speculate as to what I think is divided with those who have had children with this experience.

There are some facts I do know about our country. I do know the war is tearing at the fabric of our Nation. I do know that we as a nation are war weary. I think we ought to talk about what is great about our country, what is good about the military.

My impression from being in Iraq and here is I do not know of finer individuals in our country than those who are serving in the military. I can also tell you I do not know of more informed citizens of all the issues that face our country than the military.

We have made a lot of mistakes in the policy in the Middle East, there is no question. I think we can agree with that point, and I think we can all admit to it. But it does not change where we are and what the consequences are if we leave.

I served as a medical missionary in Iraq after the first gulf war. I developed friendships with Kurds and Shia and Sunni. We talk in the abstract over here about the Iraqi people and their leadership. But I wish to tell my colleagues, I didn't see a whole lot of difference in what those people wanted and what we want for our families. For us to speak in a sterile way that there will be no impact whatsoever on all those Iraqis, no matter what their faith or their heritage, belies the fact that millions will die. That is not my estimate, that is the estimate of many very learned scholars on the Middle East.

We heard this week a mention from the Secretary General of the United Nations advising against a precipitous withdrawal from Iraq in terms of how that would play out in the Middle East.

I think of the children that I did skin grafts on in Iraq who are now in their middle twenties, and the hope that they have for a safe and secure freedom, to actually have a Government that is a function of the beliefs of the multitudes who live in Iraq. Despite all our mistakes, should their hopes be dashed?

We look at the sacrifices, we look at the moneys we have spent, but we never look at it in terms of the lives of the Iraqis. The contention is we cause more violence because we are there than what will happen when we withdraw. If I could know for sure that what the experts tell us is wrong and millions of Iraqis will not die, I could probably be in agreement with some of the positions of those who want to change our course right now. But I don't know that and, as a matter of fact, the experts say the exact opposite will happen and millions will die. So we do have a moral obligation.

The other question we ought to bring forward is the contention we want to change the rules of the Senate on a vote tonight when everybody knows that a cloture vote and a requirement of 60 votes on major issues has been the rule of the Senate for years. It is a precedent longstanding that we have found on both sides of the aisle, no matter who is in charge, works well on contentious issues.

The vast majority of Republicans are ready to vote on cloture tonight. We didn't have that opportunity. We are going to vote on cloture tomorrow morning at 11. But we also know that if cloture fails, we probably will not be on the Defense bill.

The question I have for my colleagues is, they control the Armed Services Committee. They wrote the Defense authorization bill. Why in the world, when our troops need guidance, when we need new reauthorizations, when we need items for the military that are highly important to the success now, not just in Iraq but throughout the world, would we pull a bill and not continue to work on it?

As a matter of fact, this debate, which we had 2 months ago and now are having again, is keeping us from doing some of the business we need to be doing in terms of observing and doing oversight of the Federal Government.

This Defense authorization bill has $13 billion worth of earmarks, earmarks that the Pentagon does not want, but we want, we want for constituencies, we want for campaign supporters, we want because we know better—the very type of thing that is going to hurt in the long run the confidence of the people in this Chamber. So instead of continuing to work on the Defense authorization bill, it is going to get pulled in the morning and we are going to go to higher education reconciliation.

The question we ought to be asking and what the American people ought to ask is, because one vote fails on cloture, do we not have an obligation to go on and authorize defense expenditures? I believe we do. One vote should not make or break that bill. It was not part of the original Defense authorization bill that came out of committee. Why would we not continue to work on it and give our military the authorization to do what they need to do in the future?

Someone asked me earlier today if this was a political stunt? No, I don't think so. I think we need to have this debate. I think the more the American people learn about what the consequences are when we leave Iraq, the more likely they are to have a second thought about the pressure and tension they feel on this terrible situation. And as they learn what the consequences will be and also see a perspective about

at least giving General Petraeus until September 15, as they hear that debate, I think minds will be changed or at least attention will be turned to it.

A couple of things that I think also ought to be asked on the Reed-Levin amendment are, How does the Reed-Levin amendment address Iranian influence in Iraq in the future? How does the Reed-Levin amendment address increasing Iranian influence in the region, including Iran's adverse influence on the Arab-Israeli peace process? How does the Reed-Levin amendment guard against a regional conflict? If the policy of the Reed-Levin amendment became law, would the United States stay out of the humanitarian catastrophe and ethnic cleansing that will surely follow with a precipitous withdrawal of U.S. forces? If the policy of the Reed-Levin amendment became law, would the United States offer financial assistance to neighboring countries forced to absorb the massive number of refugees fleeing such a conflict? If the policy of the Reed-Levin amendment became law, what would the cost be to the U.S. Treasury in lives if the United States eventually had to return to the Middle East, in terms of forces?

I don't think those questions can go unanswered in this debate, and yet they have not been addressed. What we do know is we have a tinderbox. What we don't know, but some are suggesting, is the tinderbox will quiet down if we leave. If we leave, I hope they are right. I don't think they are right.

I think this is a time that will really test the mettle of this country. I think the conflict we see over the debate in this body is not bad for our country; I think it is good for our country. It is one of the attributes that make us strong.

Leaving Iraq, losing in Iraq will be terrible for our country in the long run—not in the short run but in the long run. It will limit our influence in the Middle East. It will limit the trust and viability of our Nation with every other nation under which we have any type of security arrangement. But most importantly, it will put us back 10 to 15 years in terms of doing what we need to do in the world.

Senator DURBIN and I are working hard on the Darfur situation. Darfur is going to seem like a blip on a screen compared to what is going to happen in Iraq when we leave.

What we do know is what is happening in Iraq today, the concentration of the violence, especially the suicide bombers. Two things are happening. One is they are moving away from the areas in which the surge is employed. That is why you see Kirkuk the first time hit. But we also know that 85 percent of the suicide bombers aren't Iraqis; they are al-Qaida, from outside of Iraq. I suspect they are going to overplay their hand like they did in Anbar Province, which is why those Sunnis now are allied with coalition forces.

So I would ask the Members of this body, No. 1, to not assume that any of us who support the present course until September in Iraq have had our arms twisted. We have not. We actually believe it is the best policy. I don't believe we need to have our moral compass checked, as suggested by the Senator from New Jersey. We just happen to have a difference of opinion. And the difference really doesn't stem on any factual basis, but it stems on long-range versus short-range thinking.

When I took the oath for this office, my oath was to uphold the Constitution and to do what was best for the country—not for my political career, not what will win the next election, not what will get me more seats in the Senate, but what I truly thought in my heart and mind would be great and best for this country.

The Iraq war is a perplexing situation for all of us. I believe it is wrong for us to stop in the middle of a surge that is having some progress. Not what we would like, maybe, not to the degree we would like, but for the first time, in approximately 2 years, it is making positive things out of things that were very negative.

It is my hope that as we continue this debate, we will recognize that the most important question is, Then what? What happens if the Reed-Levin amendment becomes law? What happens to our military? What happens in the Middle East? What happens in Iran, which is now known to be training a vast number of people to influence the outcome? What happens to the morale of our military? What happens to our relationship with allies around the world when we can no longer be counted on as a reliable partner? What next?

That is the question we should be debating—what next? What are the consequences of not fulfilling a moral obligation to clean up a mess we helped create? You can say we don't have that obligation, but we do. History will judge this Nation on how it handles this situation. We may, in fact, walk away, but if we did, and if we do, I believe we belie the heritage of the sacrifice that has been made by so many people for so many years in our history that predates us.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I have listened to most of the comments made by my friend from Oklahoma, and I think he asked some good questions, things we all have to consider about what will happen when we leave.

The Senator talked about the moral obligations, what moral obligations we have. I wonder what moral obligation we had back in the 1980s when Donald Rumsfeld went to visit with Saddam Hussein? What moral responsibility did we have in the Reagan administration when we supported Saddam Hussein, gave him weapons, and gave him information in his war against Iran? What was our moral obligation at that time?

We hear about what will happen when we leave, all this talk about a bloodbath and everything. Well, Madam President, I can remember Vietnam. I can remember the same things: Oh, if we leave Vietnam—we either fight them there or we fight them here. We have to stop the Communists in Vietnam or it will be the Philippines next and then Japan. We have to stop them there. And if we leave, there will be a bloodbath in Vietnam. All of the people who supported us will be slaughtered in the streets.

Well, it didn't happen. Here today, with Vietnam, we have diplomatic relations. I think we just had the new Ambassador or President come over and meet with President Bush in the White House. Cruise ships, these big cruise ships now dock over in Saigon and people get off and go into Saigon. Americans take cruise ships over there in Vietnam and go to the beaches. You look back and you think about those 50,000-plus Americans who died over there, and you wonder, what was that all about? What was that moral obligation all about?

So, again, we haven't learned from the past. The specter is always raised that calamities will happen if we don't follow what the President wants. Well, the President is not always right. This President and his colleagues here couldn't be more wrong about our course in Iraq.

So I have come to the floor this evening on behalf of many Iowans who have been calling and e-mailing my office. The overwhelming majority of people in my State have turned against the war in Iraq, as have the overwhelming majority of Americans elsewhere. According to a USA Today/Gallup poll released last week, 71 percent of Americans favor removing all U.S. troops from Iraq by April 1 of next year.

The American people are sick of seeing our brave men and women killed and maimed in what has become a vicious civil war in Iraq. They want to chart a new course in Iraq, a course out of that civil war. They simply can't believe President Bush and his allies in this body have responded to their wishes with a strategy of obstruction, filibuster, and veto threats. They can't believe Republican Senators here are blocking votes on the No. 1 issue before our Nation, the No. 1 issue on the minds of the American people.

All we are asking of our Republican colleagues is let us vote. Let us vote up or down on whether we want to extricate ourselves from Iraq and bring the troops home. In a nutshell, people have been calling my office saying that Republican Senators certainly have a right to support President Bush's war in Iraq, they have a right to advocate that we stay the course, but our Republican colleagues should not claim a right to block simple up-or-down votes on amendments calling for a new course in Iraq.

The President and his allies are demanding we wait until September before we act, but this is the same game of obstruction and delay they have been playing for years now. Time and again, the President has announced a new plan, a new strategy for victory in Iraq. Time and again, the President has asked for patience. Time and again, he has cited progress and suggested that success is just around the corner. Sounds just like Vietnam. Meanwhile, with each new plan, with every new strategy, the United States gets dragged deeper and deeper into the quagmire in Iraq. More Americans get killed and maimed, more innocent Iraqi men, women, and children are killed and wounded, and Iraq spirals deeper into chaos and sectarian division. Sounds just like Vietnam.

The President's spokesmen insult our intelligence, saying that the surge is only a couple weeks old, that we should give it a chance. As we all know, it was announced in January, more than 6 months ago. I remember very well because 1 day after the President announced his surge, 640 soldiers from the 133rd Infantry of the Iowa National Guard were told they would not be coming home from Anbar Province as planned. Instead, their combat tour would be extended to 16 months—nearly a year and a half in the middle of the most deadly combat in Iraq.

Since the surge began back in January, 615 more U.S. troops have died in Iraq. Many thousands more have been injured. Since the surge was announced, eight more soldiers from Iowa have been killed in Iraq, including a second soldier from the small town of Tipton, IA. Think about that, a small community of 3,100 people in rural Iowa has lost two of its sons in Iraq.

On Sunday, the Washington Post published a story about Tipton, IA, and its growing disillusionment with the war in Iraq. The story noted that in the first 6 months of this year—since the surge began—125 troops from 10 Midwestern States have died in Iraq, the bloodiest stretch of the war so far.

Mr. President, as more and more Iowans and other Americans turn against this war, as more and more of our young men and women are killed and wounded, the administration asks us to be patient. But patience is not a virtue in the face of a manifestly failed policy, and there is no virtue in staying the course when the course you are on is dragging you deeper and deeper into a geopolitical disaster.

Just last week, the administration issued the required progress report on benchmarks for Iraq. As expected, the report shows that 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 militias. They have failed to make progress in organizing new provincial elections. Failure after failure after failure. Indeed, the only thing the Sunni, Shiites and the Kurds in Parliament have agreed on is that they will go on vacation in the month of August.

The American people refuse to be patient in the face of this monumental failure. And I agree wholeheartedly with Senator LUGAR's remarks on this floor to the effect that we cannot and should not wait until September to begin to chart a new course. The war has been spiraling downward for 52 months. What possible difference could 2 months make?

Indeed, I can predict right now what will happen when we get General Petraeus's report in mid-September. Against all evidence to the contrary, the President will cherry-pick the report to claim positive military results from the surge, and he will say those results justify staying the course until the end of the year or into next spring or for another year. Indeed, yesterday, the Chairman of the Joint Chiefs of Staff said the surge could well be followed by a request for even more troops. I was told today that about 50 percent of our troops in Iraq are now National Guard and reservists.

Well, it is abundantly clear to me that this President has no intention whatsoever of changing course or reducing the number of troops in Iraq through the end of his term on January 20, 2009. He will only change course when and if he is compelled to do so by the Congress, and that is exactly what a clear majority of the Senate is attempting to do with amendments to this Defense authorization bill.

The Levin-Reed amendment was basically passed by the House. But now, Republican Senators here will not allow us to vote on it. All we are asking is to let us vote up or down on the Levin-Reed amendment. The President and his allies are responding with a furious campaign of obstruction, filibuster, and veto threats. They refuse to listen. They refuse to learn. They refuse to consider a new direction. All we are asking is, let us vote. Let us vote.

I personally know many Iowans serving in our Armed Forces. Whether Active Duty or the Guard or Reserve, they are disciplined professionals who love their country. Even those who profoundly disagree with the war and the surge will continue to do their duty. They deserve our profound respect and admiration. But we need to listen to them. We need to listen to their families.

So I have come to the floor tonight to read just a few of the e-mails and letters I have received in recent days. One of them is from Peggy—I won't use her last name—from Council Bluffs, IA, whose son is serving in Iraq, and here is what she writes:

> My 19-year-old son is in Iraq with the United States Army. Please, please get us out of this horrific nightmare and bring them all home. I can't go a day without crying, as I worry about him. Every single member of our brave military that dies in this quagmire is a waste, a tragic waste of life. If my son were to be killed over there, I could never reconcile to it due to the fact that we should not be over there in the first place. We invaded a country based on lies and have caused the death and suffering of untold thousands of Iraqi people. Please vote to withdraw the troops.

Peggy, all I can tell you is that is what we are trying to do. We are trying to get a vote up or down to get your son and the troops out of Iraq and bring them home. But our Republican colleagues will not allow us to have that vote.

I received the following letter from Regina—again, I will not use her last name—from Bloomfield, IA. She writes:

> While reading some articles yesterday, I ran across several stating the possibility of extending even more the tours of duty of our soldiers in Iraq. Is there anybody thinking about these soldiers other than how many live in a day and how many die? Do they understand how hard this is on these soldiers, and costly to our Government? And more important, the tremendous pain and agony on the families of these troops? Have you ever been in a war zone for an extended time, or members of your family—in Vietnam, Kuwait or Iraq? . . . If you sense frustration here, it is. [I feel it] every time we lose a soldier over there for something we can never win. . . . I have never taken as much to heart, and fear for my grandchildren. . . . Where is the common sense of our country?

Regina, we are here, pleading with our Republican colleagues for common sense. Let us vote up or down on the Levin-Reed amendment, that is all we ask. That is what all these letters are asking, basically.

Let me read portions of a letter from Barbara of Waverly.

> I sit here to write this letter, not knowing why, since I'm feeling like no one cares anymore or will be able to do anything about it. I am a 41-year-old woman, a military wife of 23 years and a mother of 3. My husband's unit is currently serving in Iraq and has been gone for 16 months so far on this mission. The soldiers and the families were finally feeling like we were seeing the light at the end of the tunnel. As the new year began, we started our countdown for our reunions expected in April. Our worlds came crashing down once again as we learned that our loved ones would not be coming home in April but were being extended until August, thus being deployed for almost 2 years by the time they return. I am angry, I am devastated. How could this happen? I have lost all hope and faith in our Government. I don't understand politics, so my biggest question is, if so many people are against this war and the increase in troops being sent over, then why is the President not listening? Doesn't he care? I voted for him and believed in him and he has let me down. . . .Please think about the effects this is having on our soldiers and their families. We have all given so much and though we are proud to have been part of serving our country, it is time for our soldiers to come home. Please, bring them home.

Barbara, all I can say is that is what we are trying to do. All we are asking is that we be allowed to vote up or down on the Levin-Reed amendment.

Let me read excerpts from one more letter. That is why I am reading these.

There are probably a lot of things I can say about this issue, but I think it is more poignant to read the letters from Iowans, people who have been tragically touched by this war. This one is from a mother in Dows, IA.

I have a 19-year-old son, my only child, who is fighting in Iraq. He is a smart, strong and brave infantry soldier. He has always wanted to be a soldier and is proud to serve in the United States Army. He is our pride and joy. Heaven forbid if anything happens to him in Iraq, my husband and I will be crushed beyond measure. . . . My point in telling you all this is that we are talking about young lives that have a bright future. This is not some political game. Why should our Government put our soldiers' lives at risk for a civil war in Iraq? Like it or not, that's what it is, a civil war, and our precious soldiers are smack dab in the middle of it. . . . Why should our soldiers be losing limbs and even dying for a group of people who can't get along and will probably never get along? Iraq did not attack us. . . . Things are going from bad to worse in Iraq. . . . Unless you have a loved one fighting in Iraq, you can't begin to understand how difficult it is. It is time to get the troops back home and back to their families. Every one of these soldiers who have died meant ''everything'' to someone. They were a husband, wife, son, daughter, grandchild or close friend to someone. . . .I am neither a Republican nor Democrat, I am just an American mother who wants this violent war stopped and to get our soldiers home safe.

I can say to this mother, that is what we are trying to do. We are trying to get a vote. Let us vote. Let us vote up or down on a deadline for getting our troops out of Iraq. What are the Republicans so afraid of? Why are they so afraid to let the Senate express its will?

I want all of our colleagues to listen especially closely to the final words from this soldier's mother. This is from Dows, IA. She writes:

With the overwhelming majority of the American people wanting to bring our soldiers home and stop the war, don't you think, since you actually work for the American people and are elected by the American people, that you should seriously consider our views and hear our voices? Someone told me I was wasting my time writing this letter, but I believe otherwise. I want my voice heard and isn't this what democracy and freedom are all about? I plead with you with all my heart that you will consider this and do what is best for our troops, their families, and the United States.

That is the end of that letter. Yes, you are right, we actually work for the American people. Your voices should be heard. That is what democracy and freedom is all about. Yet we are not being allowed to have your voices heard here on the Senate floor in terms of a vote. Because of the Republican filibuster, we can't. Once again, all we are asking is a very simple request from our Republican colleagues: Let us vote up or down. Why are you so afraid of that?

The letters and e-mails coming to my office are heartbreaking. They tell the story of lives disrupted, lives put at risk, lives in a war that the overwhelming majority of Americans believe was a tragic mistake. Now 6 months into a surge that has failed to significantly reduce the violence in Iraq, 6 months into a surge that has utterly failed to bring about any progress or reconciliation within the Iraqi Government, Republicans in the Senate are pulling out the stops to block a simple up-or-down vote on charting a new course in Iraq.

Once again, I plead, I ask, let us vote. Let us vote. All we are asking is just that opportunity, a simple up-or-down vote. Let us have the vote.

Frankly, I was shocked last week when Republicans on the other side of the aisle filibustered Senator WEBB's amendment which was even supported by the ranking Republican on the Senate Armed Services Committee, Senator WARNER. The amendment would only have required that active-duty troops receive as much time at home recuperating and training as they spend deployed in combat. The amendment even allowed for a Presidential waiver if the troops were needed for an emergency. This ought to have been an amendment to have drawn strong bipartisan support. After all, many troops in Iraq are now in their third or even fourth deployment. The Army Chief of Staff has warned Congress that the current pace of combat deployment threatens to ''break'' the Army.

The Webb amendment would have passed if we had been allowed a simple up-or-down vote, a majority vote. Isn't that what we believe in? We believe in a majority vote. Majority votes elect the President. Majority votes here pass bills. There was a majority here to pass the Webb amendment, but because the Republicans filibustered it, we needed 60 votes. We couldn't get an up-or-down vote on that amendment.

The wives and mothers and family members who have written to me and whose words I placed here in the RECORD tonight have their own idea of what it means to support the troops. They believe it means allowing the Senate to have a straight up-or-down vote on these amendments to ensure decent treatment of our troops. They believe it means allowing a straight up-or-down vote on whether we need to have a new direction in Iraq. But they are being denied this by a willful, obstructionist minority here in the Senate, a minority that believes, frankly, they know better than the American people; a minority that insists on endlessly prolonging a war that the American people want to bring to a close.

The American people are not only angry about this war, they are angry the way our brave men and women in uniform have been misused and mistreated. The President rushed our troops into combat without proper equipment and in insufficient numbers. He has insisted on staying the course of that failed policy for more than 4 miserable years. He has sent troops back to Iraq for a third and even fourth rotation, with insufficient time to retrain and regroup.

In January he decided to roll the dice one more time by throwing another 30,000 troops into the middle of this sectarian civil war in Baghdad. Now the Chairman of the Joint Chiefs of Staff is suggesting that come September the President may decide to send even more troops to Iraq. At this point, the single best way to support the troops is to tell President Bush more than 4 years of bungling, bad judgment, and bullheadedness is enough. We have complete and total confidence in our troops, but we have no confidence in your leadership or in pursuing this war any further.

This evening we have reached an extraordinary juncture. We have a surge in Iraq now 6 months old which was designed to give the Iraqi Government breathing space for reconciliation.

As I said, the only thing the Sunnis, Shiites, and Kurds in Parliament have agreed on is that they will go on vacation in August. Meanwhile, here in Washington we have a President refusing to listen to the American people, supported by a Republican minority in Congress that is determined to obstruct any legislation charting a new course. If they prevail, if the President and his Republican obstructionists in the Senate prevail, our military units will be deployed again and again and again until they finally break and the United States will stay bogged down and bleeding in Iraq, creating terrorists around the world faster than we could ever hope to kill them.

It has reached the point, frankly, where you are either on the side of the President and his failed policies or you side with the American people and our military commanders who have concluded there is no military solution to the mess in Iraq. You either support this endless, pointless war or you support a smarter, more focused campaign against the terrorists who truly threaten us. It is unconscionable that the Republican leader, at the behest of President Bush, is refusing to allow the Senate to vote on changing our course in Iraq. At long last it is time for them to listen to the American people, to the families of our troops in the field. The Senate should be allowed to vote on the No. 1 issue facing this country.

It is time the Republicans stop their obstruction to allow the Senate to work its will. It is time for Republicans to let us vote, up or down, simply up or down on the Levin-Reed amendment to chart a new course in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I appreciate the opportunity to speak on this very important issue. We are here in this wee hour of the morning. There have been a lot of accusations flying back and forth today, this evening, about why we are here and what this is about. But I do want to remind my colleagues of what this is about. The underlying legislation, the Defense authorization bill, H.R. 1585, says it very clearly here. It is:

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.

That is what we are here for. We are here to do something we do every year, or that we have done every year for the past 45 years, and that is pass the Defense authorization bill. What that Defense authorization bill does is it authorizes a 3.5-percent across-the-board pay raise for all military personnel. It increases Army and Marine end strength to 525,400 and 189,000, respectively. It also approves $2.7 billion for items on the Army Chief of Staff's unfunded requirement list, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers and funding for explosive ordnance disposal equipment, night vision devices, and machineguns.

The bill also authorizes $4.1 billion for Mine Resistant Ambush Protected Vehicles, known as MRAP vehicles, for all of the services' known requirements.

That is what the underlying bill would do. That is what this debate should be about. It ought to be about taking care of the needs of our men and women in uniform who we have asked, day in and day out, to do a very difficult task, and that is to protect America's freedoms around the world. We have lots of them deployed in different places around the world.

What is interesting to me, as I have listened to the debate about this particular amendment, the Levin-Reed amendment, throughout the course of the day, is I keep hearing this distinction between Afghanistan and Iraq, and how somehow Afghanistan is a good war and Iraq is a bad war. The reason is in Afghanistan we aren't having as many casualties as we are in Iraq. We are taking on a lot of casualties in Iraq. That is where they are killing our soldiers, and the reason we are taking on casualties in Iraq is because that is where our soldiers are. If we move troops to Afghanistan, they will starting killing our troops there because that is what they are and that is what they do; they are killers whose goal is to kill Americans and they are going to keep coming at us.

I do not think sometimes our colleagues on the other side see this for what it is, a titanic struggle between good and evil, between radical Islam and nations that cherish freedom.

I have to say I believe the men and women in uniform understand that when they are fighting al-Qaida, it doesn't matter where they are fighting them. They are our enemy, they are our adversary, they are the people who are out to kill and destroy us, whether that is in Afghanistan or in Iraq. They are a global terrorist network intent on destroying us and our allies.

Our young men and women in uniform deserve to have this Defense authorization bill passed so they have the funding and the equipment and the weapons and the training and everything that is necessary for them to succeed and to achieve their mission, which is to protect us from terrorist organizations and terrorist threats, such as al-Qaida.

I have also heard it said that al-Qaida is—there were a lot of quotes today from the National Intelligence Estimate about where the real threats are around the world, but I have to read for you what some of the judgements and findings were of the National Intelligence Estimate. It says:

We assess the greatly increased worldwide counterterrorism efforts over the past 5 years have constrained the ability of al-Qaida to attack the U.S. homeland again and have led terrorist groups to perceive the homeland as a harder target to strike than before 9/11. These measures have helped disrupt known plots against the United States since 9/11.

That is the good news.

But it goes on to say:

We assess that al-Qaida will continue to advance its capabilities to attack the homeland through greater cooperation with regional terrorist groups. Of note: We assess that al-Qaida will probably seek to leverage the contacts and capabilities of al-Qaida in Iraq, its most visible and capable affiliate and the only one known to have expressed a desire to attack the homeland.

In addition, we assess that its association with al-Qaida in Iraq helps al-Qaida to energize the broader Sunni extremist community, raise resources, and to recruit and indoctrinate operatives, including for homeland attacks.

We assess that al-Qaida will continue to try to acquire and employ chemical, biological, radiological and nuclear material in attacks and would not hesitate to use them if it develops what it deems to be sufficient capability.

That is what the National Intelligence Estimate has to say about our enemy and what their capabilities are. And again, I have to reiterate that I think, as I have listened to this debate throughout the course of the day, that people continue to make a discrepancy between Afghanistan, the good war, and Iraq, the bad war. The problem is, it is the same enemy, it is the same al-Qaida, intent on the same objective to kill and destroy Americans. We have to fight al-Qaida every place we can to make sure they do not take that war right here and those attacks of the United States to our homeland.

Debating a change in policy in Iraq, particularly given what we just did last May, is premature, and that is why I am going to oppose the Levin-Reed amendment.

This past May, the Senate passed the 2007 Iraq supplemental which required two reports by the President. The first was released just days ago, and the second will be released in September. These reports will assess whether the Iraqi Government is making sufficient progress with respect to the 18 benchmarks. The interim July report stated that we are making satisfactory progress toward meeting 8 of the 18 benchmarks. While there is much work that remains to be done, the new strategy is still in its early stages.

We need to make sure our forces can set the conditions for that progress to continue and to succeed. There have been some encouraging signs, but we will not see the full effect of this new strategy until General Petraeus's September report. This assessment will provide a clearer picture of how the new strategy is unfolding and what, if any, adjustments should be made.

But I reiterate, that was in May. This Senate acted on an Iraq supplemental in May requiring those two reports. We just received the first report. The final report we will get in September, and yet here we are today once again debating withdrawal resolutions before we have even given our commanders and our troops an opportunity to succeed in this new strategy.

The surge operation is intended to clear insurgent opposition so that we can protect the Iraqi population and provide the Iraqi Government a stable environment in which to conduct their business. I have said on several occasions that my support for this war is not open-ended. But we have to give General Petraeus and Ambassador Crocker a chance.

We have a viable plan in place to gauge the surge operation, success of the Iraqi Government, and I cannot support a plan such as this, the Levin-Reed amendment, to abandon the legislative provisions we have already enacted. Congress cannot legislate the war strategy, nor do we have the expertise, the staff, or the constitutional authority to micromanage the war. American generals in Iraq, not politicians in Washington, should decide how to fight wars. What we are doing as legislators right now is trying to get into the middle of that very important chain of command.

As legislators, our actions on this war have not been consistent. On the one hand, we unanimously confirmed General Petraeus with the hopes that he could bring stability to Iraq; then, on the other hand, we at every turn consider Iraq withdrawal language here on the floor of the Senate. So we keep sending conflicting signals.

I would remind my colleagues that back in March, the vote to confirm General Petraeus was 81 to 0. Eighty-one Senators—no Senators objecting—voted to give him this new responsibility, to entrust him with this very difficult task. Then, in May, we said we would give him at least until September, when he would report back to us about the progress he has made. No one said the progress was going to take place quickly. We have to be realistic about the pace and scope of change in Iraq. But mandating timelines for withdrawal or other amendments like reauthorizations of the war are not the answer. We are too eager to declare the surge a failure before it has even been fully implemented.

This debate should not be about how quickly we can withdraw but how

quickly we can succeed in Iraq so that our troops can come home. Now, sadly, many of the provisions we have been discussing here on the floor of the Senate are politically motivated by legislators thousands of miles away from the battlefield.

During the course of the endless Iraq policy debate, there have been statements from the Democratic leadership such as:

> We are going to pick up Senate seats because of this war.

And:

> We will break them, the Republicans, because they are looking extinction in the eye.

Those are direct quotes. These are not legitimate policy statements but the sad politicization of the war on terror.

I would add to those some other statements that have been made more recently. Someone said today, earlier this evening, that this has been characterized as a publicity stunt, keeping the Senate in all night. Members on the other side have gotten up and reacted to this and said this is not a publicity stunt. Well, you have a senior Democratic aide on FOX News who said: Is this a publicity stunt? Yes. You have the majority leader saying: I do not know if we will get 60 votes, but I will tell you, there are 21 Republicans up for reelection this time. You have other statements by the majority leader saying: We are going to pick up Senate seats as a result of this war. Senator SCHUMER has shown me numbers that are compelling and astounding.

I do not condemn my colleagues for their legitimate Iraq policy positions. As Senators, we have a right to offer amendments. But I would again stress that I believe this is not the time to debate this question. We have made it very clear in previous legislation that the time for that debate will be in September of this year. I fear that the current Iraq policy debate taking place on the Defense authorization bill will endanger its passage. This is a bill which, as I said earlier, specifically is designed to increase the size of the Army and the Marine Corps, provide increased authorization to purchase more MRAP vehicles, provide a 3.5-percent pay increase across the board for our troops, and further empower the Army and Air Force National Guard. We should not endanger this bill when we can have a full and comprehensive debate on Iraq in September, which is what this body, this Congress specifically directed as recently as May.

As a member of the Armed Services Committee, I am committed to seeing this bill pass on the floor of the Senate. I believe it would be a complete failure of leadership on our part if we failed to pass this very vital measure, while our men and women are engaged in a difficult conflict.

I will not support amendments to mandate a strategic military shift by force of law. As I have said multiple times, Congress should not, Congress must not get into the habit of injecting itself into the military chain of command. To do so invites disaster and moves our country through the premise of conducting wars and military operations with one commander in chief to fighting wars by committee. And history has proven and shown that fighting wars by committee does not work.

Last week, I attended the funeral of SSG Robb Rolfing. Sergeant Rolfing was an Army green beret killed in action by insurgents in Baghdad. And I have to say that, again, he was a young man who was incredibly skilled and gifted, someone who had tremendous success in academics, in athletics, was an inventor, was a very gifted young man, someone who had demonstrated great leadership abilities, someone with a big heart, someone who always gave all to everything he had no matter what he did.

After September 11, he was compelled to the service of his country. As he did with everything, he wanted to do the best, and he became the best, he was the best of the best. He was a green beret. Before his tragic death, Sergeant Rolfing expressed to his family that he believed in what he was doing and there were good things happening in Iraq, that the whole story was not being told.

Well, Sergeant Rolfing's voice may be silent, but his message is not. I will honor Sergeant Rolfing's sacrifice in my own way—by allowing our troops, led by General Petraeus, to continue the work they believe in and work that I believe in.

Our obligation to the troops and our efforts in Iraq extend far beyond these benchmarks. We all want our troops to begin coming home, but we must first set the conditions for that to happen, without risking a humanitarian disaster in Iraq, sanctuaries for terrorists, or a broader regional conflict. If you do not believe what I say, there are a lot of people who know a lot more about this subject than I do who have come to the very same conclusion.

You can look at the comments of GEN Anthony Zinni, who has said:

> We cannot simply pull out of Iraq, as much as we may want to. The consequences of a destabilized and chaotic Iraq, sitting in the center of a critical region of the world, could have catastrophic implications. There is no short-term solution. It will take years to stabilize Iraq. How many? I believe at least 5 to 7.

Well, I hope he is wrong. I hope it does not take 5 to 7 years. It is very clear from the experts in this region of the world who have repeatedly stated the great risk and danger we put our troops and we put the region and we put the United States in if we abandon this important mission without finishing it.

The Iraq Study Group—the Baker-Hamilton report—has been quoted a lot on the floor during the course of this debate, sometimes selectively. But I also wish to quote for you what that particular report said.

It said:

> Because of the importance of Iraq, the potential for catastrophe in the role and the commitments of the United States in initiating events that have led to the current situation, we believe it would be wrong for the United States to abandon the country through a precipitous withdrawal of troops and support.
>
> A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions leading to a number of adverse consequences outlined above. The near-term result would be a significant power vacuum, greater human suffering, regional destabilization and a threat to the global economy.
>
> Al-Qaida would depict our withdrawal as a historic victory. If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

That is the Iraq Study Group Baker-Hamilton report, which I think also points out the very serious and disastrous risks we face, the consequences we face of quitting before this job is done.

Former Secretary of State Henry Kissinger said:

> Precipitous withdrawal would produce a disaster, one that would not end the war but shift it to other areas like Lebanon, or Jordan or Saudi Arabia, produce greater violence among Iraqi factions and embolden radical Islamists around the world.

Those are people who, as I said, are incredibly knowledgeable, people who have great experience in this region of the world.

But I would like to share with you too, if I might, a letter or an e-mail I received from a soldier who has spent a good amount of time in Iraq. Here is what he said:

> I hope that you do not defect from the current policy on Iraq.

And this came into my office in the last couple of days.

> Having served there for over 7 months, I know first-hand that this is a fight that is worth fighting and winning. To admit defeat and pull out now would be dishonorable to those that have served. Please allow the military to conduct the war in Iraq and not the politicians. The military commanders are professional soldiers. How many of the members of the Senate have ever served in the military or even know the sacrifices that are endured each and every day? Watching the news, listening to briefings, or going and visiting for a couple of days to the war-torn nation is not ''experience.'' When the commanders say it is time to leave, it is time to leave. Please respect the input of one Marine who has seen the sacrifice and lived the sacrifice and knows what is at stake if we abandon our post.

I think his sentiments capture very effectively the way a lot of our soldiers view these events.

I cannot speak from personal experience as this soldier can. I have visited Iraq on three different occasions. I will tell you that having been there basically three different times a year apart, there has been significant progress in some areas of the country. When I went the last time, I went to Ramadi, Fallujah, and Al Anbar Province.

In the Washington Post, one of the headlines the week before we went over there said, ''Armed and Ready in Ramadi.'' Well, if you look at what has happened in Al Anbar Province—and John Burns from the New York times recently characterized that the capital city of Anbar, Ramadi, has ''gone from being one of the most dangerous places in Iraq to being one of the least dangerous places.''

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

Mr. THUNE. I will yield.

Mr. McCAIN. The Senator and I also went together and saw at that time how Ramadi and Fallujah were basically battlegrounds of enormous proportions. Isn't it true that recently both Ramadi—particularly Ramadi, but also Fallujah is a basically secure area. The last time there has been an attack at Ramadi—they have gone many days. Yet somehow that escapes the notice of some of our colleagues.

In fact, I don't know if my friend from South Dakota is, is aware of what Lieutenant General Lamb, the British lieutenant general, the deputy commander of Multi-National Force, said the other day when the growing sentiment in our Congress to bring U.S. troops home sooner affected the mood of troops deployed in Iraq.

He said: I find it a touch difficult because it was so clear to them that we are making progress. It is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity.

I guess my question for the Senator from South Dakota is, Is there a disconnect between the rhetoric we hear and all of this stuff about how we are losing—and the majority leader of the Senate said we had lost—and the realities on the ground as reflected by the men and who are fighting?

Mr. THUNE. My colleague from Arizona, for whom I have the greatest respect—and I have had the opportunity to travel a couple of different times to Iraq with you. I know you have been back since then and have seen the marked improvement in that region.

I know from having traveled there on several different occasions and having seen the progress that has taken place and talked with the troops on the ground, those who are there now and those who have been there, as I visit with them, both in my State and different places around the country, it is very clear that they view this to be a disconnect. They are very frustrated at the fact, as I said—the soldier whose funeral I attended, the green beret who was killed kicking down a door and was shot by an al-Qaida insurgent, before that happened expressed to his family the incredible progress he had noted and the fact that does not get adequately covered back here.

I think that is a fair statement. The letter, the e-mail I read from the marine here that I just received in the last couple of days said the very same thing. Watching the news, listening to the briefings, or going and visiting for a couple of days to the war-torn nation is not an experience. He believes that we—as do I—that we ought to let our commanders make decisions with regard to our effort there.

I would also add that I believe General Petraeus, in whom I have great confidence, will be very candid when he comes before the Congress in September, and I think we ought to give him and our troops an opportunity to succeed. The strategy has just been fully implemented as the troops have arrived there just recently. In my view it would be premature to do something which would undermine their efforts, and I think the debate we are having here on this particular amendment would do just that, if it is successful.

So I hope my colleagues will see their way to do the right thing for our troops, listen to the judgment of our commanders, listen to what our troops are saying, listen to what our enemies are saying, because I think that is a very relevant point as well. Look at what Zawahari and bin Ladin are saying about Iraq and its importance. They realize full well that this is where the battle line is drawn.

So I will, as we get to the final vote tomorrow at 11 clock on cloture, I will be voting against cloture.

Mr. WEBB. Would the Senator from South Dakota agree that the United States military is made up of people with the same diversity of political views as the country at large?

Mr. THUNE. I don't profess to know the answer to what political persuasion the members of our military are.

Reclaiming my time——

Mr. McCAIN. Regular order.

Mr. THUNE. Reclaiming my time, if I could answer the question of the Senator from Virginia, I talk to military personnel all the time. I have heard, as I have heard you express, a poll that the military doesn't like what we are doing in Iraq. That has certainly not been my experience in any conversation I have had with any member of the military. I would question any poll result that would conclude what you have stated, as I have heard you state, with regard to the views of our military about our work in Iraq.

Mr. WEBB. If I may clarify the polls for the Senator.

Mr. THUNE. Go ahead.

Mr. McCAIN. Regular order, Madam President.

Mr. WEBB. Excuse me?

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. THUNE. I will continue. I appreciate the comments of my friend from Virginia. I have to say——

Mr. WEBB. If I may say, it is more than one poll.

Mr. THUNE. Madam President, reclaiming my time——

Mr. McCAIN. Madam President, we have to observe the regular order here in the Senate. The Senator from Virginia is clearly not observing the regular order.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. THUNE. Thank you, Madam President.

Let me say, as someone who has been to the area—my understanding is that the Senator from Virginia has not traveled to Iraq; perhaps his experience in visiting with members of the military is different from mine—I have talked regularly with members of the military. As I have noted from the communication I received from this marine, it was reflective of the general response I get whenever I talk about what is happening in Iraq with members who are there currently. I think that is very reflective of the general overall view of those who wear the uniform of the United States. They believe in our mission, what we are doing. They want to give the strategy a chance to succeed. I believe we need to do that. I hope we will be able to defeat the Levin-Reed amendment when it comes up for a vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise because I believe we need to have an up-or-down vote on the bipartisan Levin-Reed amendment. I believe it is time to change course in Iraq. I believe a majority of the Senate believes we need to change course in Iraq and change the combat role the United States is playing to a role of support. We have lost more than 3,600 U.S. soldiers, and my State of Washington has been deeply involved from the very beginning, from the deployment of the USS *Abraham Lincoln* to the service of the Stryker brigade from Fort Lewis and the continued service of that brigade on the front lines in Iraq today. The Stryker brigade has suffered severe casualties, and they continue to serve us well.

The cost of this war has been great, over $450 billion. The United States is now spending $10 billion a month in Iraq. What we are asking is the ability to find out whether a majority of the Senate supports changing the course in Iraq. By filibustering, the other side is preventing us from finding that out. I am not saying I don't support the rights of the minority to filibuster. I do. But I also respect the strong desire by the American people to see where every Senator stands on this proposal to change the course in Iraq being proposed today. That is what the debate is about, whether we are going to see how each Senator votes on this issue. If the filibuster continues, we won't see that vote.

Some people have talked about the surge. I respect those who believe and advocate for the surge. I do not support the surge as a strategy. This Senator bought into the milestones that this body approved in the Warner-Frist amendment. I believed in a bipartisan effort of 79 Senators, in legislation that was a part of the Defense authorization

act that was then signed by the President of the United States in January 2006.

The Warner-Frist amendment said, in a bipartisan fashion, what this body wanted to see happen in Iraq. It said that 2006 should be the year of significant transition. We said that 2006 is when Iraqi Security Forces should take the lead. That is when they should create conditions for a phased redeployment of United States forces from Iraq. That was the goal at the end 2006. I took those goals seriously.

The Warner-Frist amendment said we should be telling the leaders of all groups and all political parties in Iraq that in 2006 they needed to make the political compromises necessary to achieve the broad, sustainable political settlements that were essential for bringing Iraq together and defeating the insurgents. Even during that time period, President Talabani of Iraq said that by the end of 2006 they would be able to take over all 18 provinces under their security. So, yes, this Senator was greatly disappointed when those goals were not met. Again, I did not support the surge because the 2006 milestones were not met. It showed that we were not making sufficient progress in Iraq and needed a change of course.

And by any measure today, the Iraqis have not and are not making progress on the political and security benchmarks that need to be achieved. Debaathification reform, amendments to the Iraqi Constitution, the passage of an oil law—all of these things are being stymied. Only seven of the 18 provinces have acquired full responsibility for their own security, even though there are 349,000 Iraqi security forces that have been trained and equipped.

The violence continues in Iraq, everywhere from Kirkuk to Basra. This Senator wants to see a change in how we are approaching this situation. I want to see more of an aggressive effort on diplomacy and international engagement to press for political solutions to stabilize Iraq.

This is what the Iraq Study Group called for. It said:

> The United States should immediately launch a new diplomatic offensive to build international consensus for stability in Iraq and the region.

That is what the Iraq Study Group recommended. It saw that at the heart of the violence in Iraq were political disagreements causing a lot of turmoil within the country. Those disputes require a diplomatic and political solution.

I believe this is what is at the core of the Levin-Reed amendment—a strategy to press for a political solution. I know my colleagues disagree on dates and guidelines in the amendment. However, I believe in the Levin-Reed amendment, which calls for a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purposes of collectively bringing stability to that region. I applaud Senator HAGEL for including language in this amendment requiring the United States to work with the United Nations to appoint an international mediator for Iraq.

I know people believe the United States should continue to play a primary role in Iraqi disputes, but the United Nations and United Nations Security Council must have a significant role. The international community should engage in these political and ethnic issues that are stymying us. I believe it is time for the international community and the United States not to be for the long, hard slog of deployment but for the long, hard slog of diplomacy. The Levin-Reed amendment creates a framework for international engagement that has been missing.

Why do I believe this is so important? I believe this is important because I think one of the key benchmarks we are missing that has caused great consternation is the issue of equitable distribution of Iraqi oil revenue. I wish the Iraqis had successfully passed an oil law and it had stabilized the region. It is no surprise that three different regions of the country are concerned about the distribution of oil revenue. There is a lot of concern about exactly who will have control over the oil in those areas, how much oil revenue will be distributed by the federal government, and what role the new Iraqi national oil company will play. But also at the heart of this dispute are Iraqi fears that, in the draft oil law, there is a great deal of benefit for foreign oil companies. In fact, the Bush administration has pushed the current draft of an oil law that allows for the privatization of Iraqi oil.

I know that there is a dangerous perception that somehow we went to Iraq for oil. That was not something this Senator believed. However, there have been many statements that concern me. In fact, Ahmed Chalabi was quoted as saying:

> American companies will have a big shot at Iraqi oil.

Another European oil executive said:

> For any oil company being in Iraq is like being a kid in FAO Schwarz.

This Senator did not pay much attention to that, but I am paying attention now to the fact that this current draft of an oil law says the Iraqi National Oil Company would have exclusive control—that is the federal entity—of just 17 of Iraq's 80 known oil fields.

All the rest, along with all the undiscovered oil, would be open to foreign control. So the majority of oil in Iraq would be open to foreign control. Why is this such a big deal? It is important because at one time Iraqi oil reserves were seen as the second largest in the world. Today they are probably somewhere between the third and fourth largest oil reserves.

In fact, the Heritage Foundation, in 2003, released a paper advocating for the privatization of Iraq's oil and arguing that Iraq's reconstruction and privatization of its oil and gas sector could become a model for oil industry privatization in other OPEC states as well.

I know that may be attractive to people who think we should stay there and somehow glom on to Iraqi oil. This Senator does not believe that is what we should be doing.

I know that many people have mentioned former Secretary of State Kissinger's recent policy op-ed piece. He said we cannot allow the Iraqi energy supply to be controlled by a country with Iran's revolutionary and taunting foreign policy. He suggested that, if we leave and Iran takes over, they will have control of the Iraqi oil. But I would refer those who agree with Kissinger to the Iraq Study Group's conclusion:

> The United States can begin to shape a positive climate for diplomatic efforts internationally with Iraq through public statements that reject the notion that the United States seeks to control Iraq's oil or seeks to have permanent bases within Iraq.

We are sending the wrong message in Iraq if we continue to support a policy that gives the Iraqi people and the Iraqi Government the notion that we are there to try to control the oil.

Like the Iraq Study Group, I believe the international community and international energy companies should invest in Iraqi oil. Foreign expertise in investment is important to upgrading the infrastructure and boosting production. But that international involvement must come at Iraq's initiative, and the Iraqi people must decide what level of foreign participation is best for their country.

We need to send the Iraqi people, the people of the Middle East, and the world a message that is loud and clear—we do not intend to stay in Iraq for their oil. To that end, I am happy to cosponsor with my colleague Senator BIDEN a resolution that calls on us to clearly articulate that we have no intention of keeping permanent U.S. bases in Iraq or any intentions of exercising control over Iraqi oil.

Before we went into Iraq, there were a lot of people, including the Vice President, who said we would get X million barrels a day from Iraq. Former Secretary of Defense Paul Wolfowitz estimated at one point in time the oil revenues of that country would bring us between $50 and $100 billion over the next 2 to 3 years. One State Department spokesperson said oil would be the ''engine of Iraq's reconstruction. No one is talking about a Marshall plan for Iraq because the oil will take care of that.''

That did not happen. Today we see a bogged-down political process in Iraq because they are fighting over oil. We can move ahead, and this amendment by my colleagues Senators LEVIN and REED gives us the framework to do that. Our efforts here in the Senate are moving forward on a diversified plan to

get off our overdependence on Middle East oil. They are also critically important.

I know some would say: Well, it is important that we make sure that terrorists don't get their hands on Iraqi oil money. I would remind my colleagues that a U.S. Government report that was obtained by the New York Times said many insurgents involved in terrorist attacks in Iraq are already raising $25 to $100 million a year from oil smuggling and criminal activities.

It is important to secure Iraqi oil infrastructure and for the Iraqis to resolve their disputes over oil rights.

I believe we should move ahead on a framework that has more international involvement. The United States and the international community should be trying to bring Iraqis together to reach compromises on these important issues. I believe this is something the United States can achieve.

Some people may look at the problems in Iraq, the ongoing ethnic violence, the division between the Sunnis and Shiites and the Kurds, and think it is impossible to stabilize the country. But the United States has stepped up to serious international challenges in the past and stabilized new governments that have also been plagued by ethnic violence and long histories of dispute.

How did we do it? All we have to do is look at the former Yugoslavia where the international community got together with various parties, from the European Union to Russia to NATO to countries in the region, and built a framework that ended serious ethnic violence. The civil war in Bosnia resulted in 100,000 to 110,000 deaths. While it is not on the same scale as the challenges we face in Iraq, the peace the United States was able to help achieve was nonetheless remarkable.

We must do the same thing in Iraq. We need the help of the United Nations, the Arab League, and the rest of Iraq's neighbors, and we need the framework in the amendment my colleagues Senators LEVIN and REED have authored. It would put us on a path toward a real comprehensive diplomatic and political solution for Iraq.

We deserve the chance to have an up or down vote on the Levin-Reed amendment. It is now an important time for us to realize that the benchmarks we set have not, and are not, being met. We need a change of course in Iraq. We need to have more involvement by the international community in solving the political problems on the ground. The Levin-Reed amendment would make a strong statement about what the U.S. hopes to achieve in stabilizing the Iraqi government. And we need to put to rest the notion that the United States will stay in Iraq for oil or for permanent U.S. bases. We cannot continue in an endless combat role in Iraq.

We need to change the course, and we can have a policy that allows us to do that by holding an up or down vote on this amendment today.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Maine.

Ms. SNOWE. Mr. President, first of all, I express my profound gratitude to my friend and colleague from Arizona, Senator MCCAIN, the ranking member of the Armed Services Committee, for his unsurpassed and exemplary leadership on so many defense and national security issues throughout his distinguished career.

I rise to speak to the monumental, consequential matter before us with regard to the future course of the United States and our courageous men and women in Iraq, and specifically to express my support and cosponsorship of the amendment that is presently before the Senate that has been authored by the chairman of the Armed Services Committee, Senator LEVIN, and Senator REED of Rhode Island. I thank them for their hard work and outstanding leadership on this historic matter.

I recognize that none of us arrives at this debate lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. Indisputably, a myriad of deeply held beliefs were expressed on those pivotal matters—some in concert, some complimentary, some in conflict. Yet, without question, all were rooted in mutual concern for and love of our great Nation. Without question, that remains so today with the various proposals that are before us.

I remind my colleagues in the Senate that the framework that has been embraced in the amendment authored by Senator LEVIN and Senator REED is one that is not without precedent throughout our history in the actions taken by this institution in previous conflicts. So it is not a departure from precedent but very consistent with precedent in the past. Where we make decisions to impose our imprint on a longstanding conflict is obviously of critical consequence to this Nation.

In my view, 4½ years following the commencement of our military operations in Iraq, and 6 months after the troop surge was announced and was initiated, we now stand at the crossroads between help and reality with respect to the Iraqi Government's ability or even willingness to achieve national reconciliation for its own country and its own people.

The time has come to address that reality. The time has come to determine if our military and our strategy should continue on the basis of perpetually hoping the Iraqis will succeed or whether they actually possess the desire and the drive to place their national interest above their sectarian ambitions.

In my considered examination and analysis, taking into account my visits to Iraq—most recently in May—the facts and information we already have had at hand, the record of serial intransigence on the part of the Iraqi Government regarding its inability to forge the political underpinnings essential for national reconciliation, and the fact there is universal agreement that a military solution alone is not possible, I believe a dramatic and fundamental change in our strategy in Iraq is essential and that Congress must require it based on that reality.

Because while the hands of time have now advanced in what has been described as sort of the 11th hour for Iraqi political reconciliation, in fact, in many ways, I see progress has moved in a regressive fashion. We can no longer afford to place more American service men and women in harm's way to instill a peace that the Iraqis seem unwilling to seek for themselves.

I do not come to this conclusion casually or abruptly. Far from it. Indeed, following the President's address to the Nation in January, in which he unveiled a ''New Way Forward in Iraq'' through primarily increasing troop levels, I was among the first to publicly oppose that plan. In my view, it addressed neither the root cause of the violence in Iraq that was fueled by longstanding and deep-seated sectarian conflicts, nor the failure of the Iraqi Government to either demonstrate the will or capacity to quell that sectarian violence.

It is incumbent upon the Iraqi people and their Government to work toward their own national unity. At that juncture, when we were about to assume even greater risk on behalf of the future of Iraq, there was, frankly, no compelling evidence that the Iraqis were willing to assume similar risks for a united future that only they can truly secure.

Therefore, I then joined my colleagues Senators BIDEN, LEVIN, and HAGEL, in introducing a Senate resolution that opposed the surge and instead would have urged the President to increase our counterterrorism efforts, maintain the territorial integrity of Iraq, promote regional stability through a renewed diplomatic offensive, and continue the training of the Iraqi security forces—all without withdrawing precipitously.

I said at the time that it was essential for the Congress to make our voices heard in a policy that has significant implications not only for our Nation and the Middle East but, indeed, the world community. I believe our bipartisan proposal would have offered a clear expression for a new strategy that would have compelled, in the words of the resolution itself, ''the Iraqi political leaders to make the political compromises necessary to end the violence.'' Unfortunately, the measure did not generate sufficient support at the time, and now we find ourselves confronting a similar situation only 6 months later.

In May, I traveled again to Iraq, where the good news was mixed and the bad news was deeply disturbing. First and foremost, I want to say our troops

were performing superbly and courageously and in an extremely complex and challenging environment. I am certain every Member of this body would agree when I say the men and women fighting for this great Nation are integral members of the most professional and dedicated military the world has ever witnessed. So there is no question—no question—of our troops' heroic commitment.

Indeed, I witnessed the improved security situation, as has been mentioned many times on the floor, in Ramadi. I was part of the first congressional group to travel into downtown Ramadi and visit a joint security post. In that city, the tribal sheiks and the Iraqi forces have begun to work in conjunction with our own forces to fight a common enemy, and that common enemy is al-Qaida. We know the success, and clearly it was a model of success and cooperation. However, we also were told that what worked in Anbar might not necessarily work in the other provinces, that the threat varies from province to province, as we have already discovered. The threat varies from city to city, and the threat is multidimensional. What we have witnessed in Anbar where the ''enemy of my enemy is also my enemy'' does not necessarily suggest that it can apply across the board and may not be a model that can be replicated in other provinces and in other cities. Certainly, we should use it where it can work and can be applied, but certainly it may not be possible in all of the other areas within Iraq, because the common enemy within al-Anbar was, of course, al-Qaida.

So I happen to believe it is abundantly apparent that we must send a strong message to the Iraqi Government that by linking our continued strategy in Iraq to the level of progress they made in attaining the political benchmarks they themselves had agreed to were so central to securing an Iraqi Nation. After all, by the President's own account, the Baghdad Security Plan, the surge, was designed to be the final window of opportunity for the Iraqis to institute those benchmarks. They had to know it was a window we would close if they did not act with commensurate urgency.

That is why, upon my return from Iraq, I, along with my colleague, Senator BAYH from Indiana, introduced bipartisan legislation that would have required the Iraqi Government to meet the benchmarks outlined by the Iraq Study Group and the administration. If the Iraqi Government failed to do so, our bill directed that the surge forces would redeploy and the remaining forces would transition to a far more limited mission that included the training and equipping of the Iraqi forces, assisting the deployed Iraqi brigades with intelligence, transportation, air support, and logistics, protecting U.S. and coalition personnel and infrastructure, and maintaining rapid reaction teams to undertake counterterrorism missions against al-Qaida.

I argued in May that we are at a critical juncture and that we were at a point where we must be pivoting toward a policy that responsibly brings us to a resolution on the future course of America's involvement in Iraq. I believed at the time the bipartisan legislation that I introduced with Senator BAYH would place the onus and the burden rightfully where it belongs—on the Iraqi Government and its political leaders to enact and to implement the benchmarks that, again, they themselves had pledged to achieve.

Our legislation would have required General Petraeus to come before the Congress and testify 14 days following his September report and, if the political benchmarks had not been met, to submit a plan on phased redeployment of the surge troops associated with the Baghdad security plan and a change in mission for all of the troops, consistent, again, with the recommendations set forth by the Iraq Study Group report.

Senator BAYH and I crafted the bill with the intent of garnering bipartisan support and called for not a mandate but, rather, an objective of completing the transition and redeployment 6 months later—which would have been approximately the end of March 2008.

As I said at the time, we cannot further countenance political intransigence on the part of the Iraqi Government, while our men and women are on the front lines confronting sacrifices and making sacrifices each and every day. I am pleased that many elements of the Snowe-Bayh bill were included in the measure that was drafted by our esteemed colleague Senator WARNER, which was incorporated into the supplemental legislation which the Senate passed on May 24 and that became law, which established the 18 benchmarks to evaluate the performance of the Iraqi Government.

Yet here we are now, nearly 2 months from the passage of that supplemental, and coming off the bloodiest 3-month period for American troops since the war began, with 331 deaths in that period, and more than 600 since the surge began. And yet, as last week's White House interim report only underscored, there still has been no significant progress on any of the political benchmarks whatsoever.

Among other failures, they have not passed an oil law which fairly divides oil revenue among Iraq's ethnicities and religious sects. Last month, the largest Sunni political grouping announced its four Cabinet ministers were boycotting the Government and were withdrawing its 44 members from the Parliament, and there was a ''no confidence'' vote scheduled to take place even against Prime Minister Maliki. Perhaps most incredible, given this stunning lack of progress, is the fact that the Iraqi Parliament will not be in session for the entire month of August.

That effectively means that the Iraq Parliament—even assuming—even assuming—they can attain the required quorum to conduct their affairs given that in the past 2 months, the Parliament has had considerable difficulty obtaining a quorum and has rarely had enough members in the chamber to vote—has another 3 weeks remaining in session before the month of September arrives; all the while, our soldiers continue the battle, while the Iraqi Government will take a recess, having failed to make significant progress on any of the benchmarks included in the supplemental bill we passed 2 months ago.

These stark facts have led our top military, diplomatic, and intelligence officials in Iraq to the conclusion that the political reconciliation which the surge was meant to facilitate is not being undertaken. Last month, General Petraeus stated that conditions in Iraq will not improve sufficiently by September to justify a drawdown of U.S. military forces.

Thomas Fingar, the Deputy Director of National Intelligence and chief of the National Intelligence Council, testifying before the House Armed Services Committee last week, stated that while the government of Prime Minister Nouri al-Maliki has made ''limited progress on key legislation,'' that ''scant common ground between Shias, Sunnis and Kurds continues to polarize politics.'' Mr. Fingar even stated that the majority Shiite bloc that Maliki heads ''does not present a unified front.''

Let us also consider the words of key Iraqi leaders themselves, which are even more disturbing and telling. Indeed, Iraq's foreign minister said recently that ''These are not your benchmarks, these are our goals. Why do you make it yours?'' This, despite the fact that American troops are selflessly risking and giving their lives to make it possible for such officials to achieve the political, economic, and security benchmarks which were agreed to in September of last year by Iraq's Political Committee on National Security and reaffirmed by the Presidency Council on October 16.

So, frankly, given statements such as these, it is not a surprise that, last week, the administration issued a report—the interim report—that found that the Iraqi Government had failed to accomplish any of these political objectives the Iraqis themselves set.

Let's look at those deadlines and those goals and the track record.

In October 2006, provincial elections law, a date for provincial elections, and a new hydrocarbon law—the new oil revenue-sharing law—were supposed to be approved. But that deadline came and went.

A debaathification law and a provincial council authorities law were to be enacted in November. But that deadline came and went.

In December they were to approve a law demobilizing and disarming the

militias. But that deadline came and went.

The Constitutional Review Committee was to complete its work in January, independent commissions were to be formed in February, and a constitutional amendments referendum was to be held, if required, in March. But those deadlines also came and went.

What does it suggest when a U.S. official—and actually it is incorporated in the interim report—recently observed that political reconciliation is largely trailing any advances in security—calling it a ''lagging indicator''? But if the Iraqi Government were truly serious, shouldn't concrete steps toward reconciliation be the predictor—shouldn't it be a leading indicator—of an inner fortitude and intention to accomplish those benchmarks that are supposed to be happening in tandem with the surge—if the surge was designed to be that window of opportunity, to give the breathing space to the Iraqi Government to create the conditions on the ground that will allow them to make the political compromises so essential to unifying their country?

Security will only come through a belief by the Iraqis that they will have a political and economic future. That is why Iraq's fate is in the hands of the Iraqi leadership and its Government. The only way they will be able to secure their future is to be able to quell the sectarian violence, to integrate the minority population, to create power-sharing arrangements to diffuse the sectarian conflicts. In that way only can Iraq maintain its integrity as a unitary state.

So I ask, if the intelligence community assessed in February that ''with the current winner-take-all attitude and sectarian animosities affecting the political scene the prospects for reconciliation are bleak''—that is the intelligence community's assessment—and General Petraeus stated in March, ''there is no military solution'' and that ''a political resolution . . . is crucial,'' and the general is quoted in the Air Force Times last month saying ''counterinsurgency is roughly . . . 80 percent political,'' as codified in his own counterinsurgency manual—and the interesting part about that is in that manual General Petraeus states that the host nation has to win it on its own, and that is exactly what the surge was all about; it was to allow them to accomplish those key political goals that would demonstrate to the Iraqi people they had a government that was representative of all the people and not just a few—and the Iraqi Government has failed to accomplish these political benchmarks that were established by their own leadership and the Government of Iraq, then doesn't it make sense to begin to choose an alternative course? Because it is difficult to see the wisdom of this current strategy without holding the Iraqis accountable, the time has come to stand up and to speak out on behalf of the American people to say that the current strategy is unacceptable and the moment has arrived to change that direction.

That is why I have joined with Senators LEVIN and REED on a bipartisan basis because in my view, given the record of demonstrated inaction on the part of the Iraqi Government, we are now beyond nonbinding measures. That is what we have accomplished in the last 6 months. We considered nonbinding measures. But now we are a mere 2 months from General Petraeus's September report, with no demonstrable evidence to suggest political progress. What time is more important than now, as we consider the pending Defense authorization bill, to maximize our voice and opportunity to send an unequivocal message that if the Iraqis fail to chart a different course politically, then we will chart a different course militarily?

The fact is, America requires more than Iraq's commitment to accomplishing the benchmarks that will lead to a true national reconciliation. We must see demonstrable results. That is why we are at this critical juncture. That is the answer to why now and why wait until September. Because given all we know, I happen to believe we cannot lose precious time in delivering an unmistakable message that the Iraqi Government must take the consensus-building measures necessary for reconciliation.

For those who characterize this bill as tantamount to a precipitous withdrawal, let me say it is neither precipitous nor a withdrawal. I urge my colleagues to read the legislation, to read the amendment that has been drafted, to actually look at the language. I think it would be worthwhile, because I have heard mischaracterizations of what this legislation would accomplish. This legislation would result in redeployment, a change in mission, and reduced forces, but it does not suggest—it does not require—a precipitous withdrawal. In fact, it does not do that. It would reduce our troops and change our mission, beginning 120 days after passage, while specifically allowing the troops to remain for critical missions such as counterinsurgency and attacking al-Qaida, providing force protection, as well as training the Iraqis—again, goals that are very consistent with the Iraq Study Group.

I think it is very important for Members of the Senate to read—to actually read—the language which has been incorporated in the amendment that is pending before the Senate, because it requires a very different mandate than has been described here on the floor of the Senate. It is not a precipitous withdrawal. In fact, it allows the discretion to maintain troops by the commanders in order to complete those missions as described in the amendment that would allow us to continue to train the Iraqis and to fight al-Qaida.

Some of my colleagues have also opined that this proposal will limit the President's ability to conduct the war on terror. Last week we heard the President state that we are working to defeat al-Qaida and other extremists and aid the rise of an Iraqi Government that can protect its people. Well, again, this amendment rightly does nothing to detract from that objective. In fact, as I said, the amendment defers to the commanders on the group to determine the number of troops and forces necessary to fight al-Qaida.

Specifically, the amendment empowers the Secretary of Defense to deploy and maintain members of the Armed Forces in Iraq to engage in targeted counterterrorism operations against al-Qaida, al-Qaida-affiliated groups, and other international terrorist organizations, which encompasses maintaining Iraq's territorial integrity against terrorist groups, including those backed by foreign countries. So that is the reality of the language which has been included in this amendment that is pending before the Senate—not as some have described.

Furthermore, this measure would not take effect until 120 days after the passage of this legislation—after the passage of the Defense authorization. Let me note that in the last 4 years, the earliest approval of the National Defense Authorization Act occurred on October 17. That was the earliest date in which it became law in each of the last 4 years. So this isn't rash. This is reasoned, and this is responsible. Indeed, the language crafted by Senator HAGEL in the amendment also seeks to internationalize our effort by calling on the U.N. to appoint an international mediator in Iraq and that the auspices of the United Nations Security Council, which has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq, and include them in the political process. This mediator will seek to bridge the divide between the competing sects to bring stability to Iraq and prevent a spillover into a civil war.

The Levin-Reed amendment specifically states it shall be implemented as part of a comprehensive, diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purposes of working collectively to bring stability to Iraq. As the Baker-Hamilton report concluded, Iraqi political accommodations can be achieved only within a constructive regional framework supported by the international community, a statement that I believe highlights the necessity now in the United States to refocus its policy, its leadership, and its resources on directly helping the Iraqis to establish an inclusive political framework to begin to diffuse the violence.

Finally, to those with concerns about the April conclusion date included in the Levin-Reed amendment, let me also point out this is not an arbitrary date the Congress imposed but, rather,

it reflects the reality on the ground. The ability to maintain this large force in Iraq becomes virtually impossible because of the overall size of the Army. We cannot sustain current troop levels in Iraq indefinitely. General Peter Shoomaker, the prior Army Chief of Staff, testified before the Senate Armed Services Committee in March that sustaining the troop increase in Iraq beyond August would be a challenge, he said. In fact, Andrew Krepinevich of the Center for Strategic and Budgetary Assessments, told the Senate Armed Services Committee in April that our ground forces, the Army in particular, are ''broken'' or in danger of ''breaking.'' The reality is that without significantly changing the force structure or employing a ''different force mix,'' we must begin to redeploy.

The bottom line is this is a defining moment. It is a defining moment for America's policy in Iraq and it is a defining moment for the Senate—indeed, the entire Congress—as to whether we are now prepared to assert our legislative prerogatives and authorities that are not without precedent, as I said earlier, to direct a different course and to alter our strategy—a strategy that reality warrants and demands. The decision before us is one of grave consequence because it is a matter of war. It demands that we look past the rhetoric and the partisanship which often enshrouds and clouds many of the most significant issues of our time, and that is certainly true with respect to this war.

We expect passion to run high, but I hope it doesn't create the inability on the part of our collective wisdom and desire to do what is right and what is best for our country and for the men and women in uniform who are on the front lines each and every day performing magnificent sacrifices, as we all well know, with the loss of lives we have experienced in each of our States across this country. Frankly, if it weren't for those men and women, you know, we wouldn't be the greatest Nation on Earth, because they have woven the fabric for greatness for this country throughout the generations.

So I would hope that at this moment in time, we can rise to the occasion and that in spite of the spirited debate, we can come together to try to resolve this major question, because that is what the American people want. That is what my constituents want in the State of Maine. They are hoping and praying we can come together and unite and to do what is right for this country at this most challenging and vexing and consequential moment in our Nation's history. I hope we can live up to the moniker of the Senate as the world's greatest deliberative body, because certainly that moment is upon us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the Senator from Maine. I know she has thought long and hard about this issue, and I appreciate her thoughtful remarks. We are respectfully in disagreement.

I wish to make a few points, and then I know the Senator from Michigan and others are waiting. I intend to, I tell my colleagues, exercise my right of recognition as we go from speaker to speaker, as we are at 10 minutes of 3 in the morning.

The Senator from Maine and others have described this amendment in ways I don't quite agree with, including, among other things, some confidence in the United States permanent representative to use the voice vote and influence the United States and the United Nations to seek the appointment of an international mediator in Iraq under the auspices of the United Nations Security Council. I am not prepared to put the future of Iraq under an international mediator of the United Nations Security Council. The United Nations Security Council's record has not been very good, whether it be Iran, North Korea, or other crises, including Bosnia where we had to go in basically and bail them out.

In this resolution, I would call to the attention of my colleagues that it says: After the conclusion of reduction in transition, the United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions, and the third one is engaging in targeted counterterrorism operations against al-Qaida, al-Qaida-affiliated groups, and other international terrorist organizations.

How do you do that? How do you do that? There are some people planting IEDs who are going to kill our troops, and you say: Excuse me, sir. Are you al-Qaida or are you a Shiite militia? Oh, you are a Shiite militia? Excuse me.

What is that all about? That is one of the most unrealistic scenarios I have encountered in warfare. There is a degree of naivete associated with this resolution which is a disconnect between the reality of how warfare is conducted and the utopian United Nations Security Council international mediator. Our troops can be there in Iraq in diminished numbers, but they can only engage in targeted counterterrorism operations against al-Qaida. So I guess al-Qaida would be required to wear T-shirts that say ''al-Qaida.'' In that way, we would know, and it would be OK—it would be OK: You are al-Qaida? OK. A Shiite militia? Do whatever you think.

It was al-Qaida that blew up the Golden Dome mosque in Samara. Following that was horrendous sectarian strife. We are finally getting around—finally, belatedly—to asking those who want this withdrawal and who support this resolution to tell us what happens if this strategy fails, if the pullout fails. I quote from today's Los Angeles Times. It says:

> Many lawmakers who have pushed President Bush to bring troops home from Iraq have not developed plans to deal with the violence that could follow a pullout, interviews with more than two dozen Democrats and Republicans show. Many of them acknowledge that Iraq might plunge into vicious sectarian fighting, much like the ethnic cleansing that consumed Bosnia a decade ago.

They acknowledge that Iraq might plunge into sectarian violence that consumed Bosnia, which was so offensive that we went into Bosnia to stop it, but if it is in another part of the world, then we won't go in. In fact, the article goes on to say:

> ''I wouldn't be surprised if it is horrendous,'' said House Appropriations Committee Chairman David Obey, Democrat, Wisconsin, who has helped lead the drive against the war. 'The only hope for the Iraqis is their own damned government, and there is slim hope for that.''

More incredibly, the article goes on to say:

> Some proponents of a withdrawal decline to discuss what the United States should do if the violence increases. ''That's a hypothetical. I'm not going to get into it,'' said Senate majority leader Harry Reid.

Senator REID is the one who announced on the floor of the Senate that the war was lost. If the war is lost and we are going to pull out, what is hypothetical? What is hypothetical about assessing the consequences of this withdrawal?

> Many Democrats, however, believe that any increase in violence would be short-term and argue that a troop drawdown eventually would lead to a more stable Iraq and Middle East.

I know of no expert who agrees with that statement. I know of no one. In fact, the Secretary General of the United Nations, not exactly known as a strong supporter of the war in Iraq, said:

> I would like to tell you that great caution should be taken for the sake of the Iraqi people. The international community cannot and should not abandon them. Any abrupt withdrawal or decision may lead to a further deterioration of the situation in Iraq.

That is a statement by the Secretary General of the United Nations.

I know my colleagues are waiting, but I wish to point out again another fact. General Petraeus came before the Senate Armed Services Committee on January 23, 2007. General Petraeus at that time articulated the strategy which would be employed and needed to be employed and needed to be given time to succeed. In fact, General Petraeus was asked at his confirmation hearings, which was later ratified by this body by a vote—without a dissenting vote:

> General Petraeus, in your view, since you have been intimately involved in Iraq from the beginning, suppose we announced tomorrow that we would withdraw within 4 months to 6 months. That happens to coincide with the 120 day withdrawal that we are talking about here. What are the results there in Iraq and in the region?
>
> GEN Petraeus: Well, sir, I think that sectarian groups would obviously begin to stake out their turf, try to expand their turf. They

would do that by greatly increased ethnic cleansing. There is a very real possibility of involvement of countries from elsewhere in the region entering Iraq to take sides with one or the other groups. There is a possibility certainly of an international terrorist organization truly getting a grip on some substantial piece of Iraq. There is the possibility of problems in the global economy should in fact this cause a disruption in the flow of oil and a number of other potential outcomes, none of which are positive.

That is what General Petraeus said at his confirmation hearings. Everybody confirmed him. Everybody knew in this body what the mission was, what they intended to do, what the strategy was, and here we are a few months later pulling the plug, or attempting to pull the plug, on what General Petraeus wants to do.

I am proud of the United States of America that we went to Bosnia and stopped the ethnic cleansing. I am proud the United States of America went to Kosovo and stopped ethnic cleansing. I am ashamed we haven't gone to Darfur in some way and effected the stop of ethnic cleansing there. I am ashamed we didn't stop the slaughter of hundreds of thousands of people in Rwanda, and so are all of us. That is a majority opinion in this country and in this body. But now—but now, in the case of Iraq:

I wouldn't be surprised if it is horrendous.

''I wouldn't be surprised if it is horrendous.'' That is what we are condemning the people of Iraq to. And on the other side, the majority leader of the Senate—and I apologize, because I will ask him about it again on this floor:

That's a hypothetical. I'm not going to get into it.

Now, I don't know of anybody who believes that is a hypothetical. The fact is, when we leave there is going to be a vacuum, there is going to be chaos, and there is going to be genocide. I can quote on the floor Henry Kissinger, Brent Scowcroft, General Lynch, General Petraeus, literally—General Zinni, those who oppose our presence in Iraq opposed the initial invasion, and yet believe that at least we should face up to and begin to address the consequences of withdrawal. It is not hypothetical. It is not hypothetical.

I appreciate the courtesy of my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President.

At this 3 o'clock hour in the morning, I think it is important to refocus on exactly what the vote will be in the morning as it relates to the issue in front of us, the Levin-Reed amendment. First, let me do this. Let me thank Senator SNOWE, who was here a moment ago, for her eloquence and her courage in laying out the facts, and for her thoughtfulness. I wish to thank our Senate majority leader, Senator REID, who has been laser focused on what, in fact, we need to be doing to change the course in Iraq based on the facts, based on the iron will of the American people.

I appreciate all he has done to keep us focused on this critical issue of our time.

I also thank Senator CARL LEVIN, my senior Senator from Michigan. We are very proud of him in Michigan for all he does, advocating for our troops and for a foreign policy and an armed services policy that makes sense for our country, for all of us. I thank Senators LEVIN and JACK REED for introducing an amendment that is currently being filibustered.

What we have in front of us and what we are doing is demonstrating through this all-night debate—which is very important, regardless of where someone comes from on this issue; it is very important that we have this debate and discussion. I appreciate all of my colleagues expressing themselves. What we have in front of us is the question of whether we are going to end a filibuster tomorrow, and whether we are going to have an opportunity to have a simple majority vote—a yes-or-no vote—on a change in direction in Iraq, which would in fact change the mission by next year, by April 30 of next year. I find it amazing that our men and women right now who are fighting for democracy, fighting for majority rule—to put together a coalition to create a working majority and that the majority should rule. Yet here we are not allowed to have the majority make the decision—a majority being 51, or in this case 50 at the moment, being able to vote and determine what the policy is.

Last week, we had a very significant debate and issue in front of us that Senator WEBB from Virginia brought forward in terms of supporting our troops, supporting them as it relates to the deployment and redeployment policies right now for our National Guard and our full-time military. There were 56 members—a clear majority of this body—who voted for that policy, that change in policy. So if you are deployed for 12 months, you would be home on dwell time for 12 months with your family and with an opportunity to be retrained, to regroup, in order to be able to go back. Fifty-six members, a clear majority, said yes. Yet we were stopped. Why? Because our Republican colleagues insist on filibustering and not allowing a vote.

We are saying to the other side of the aisle, let us vote. Let us do what we assume everybody in the American public assumes in a democracy with a majority, that the majority would have their say, that whoever is in the majority has an opportunity to win a vote. But that is not the case anymore in the Senate. We are not talking about 50 or 51 but 60. So we have in front of us a filibuster that is going on as to whether we will even vote on a policy that has a majority of this Senate, and it is clearly supported by a majority of the American people.

(Mr. DURBIN assumed the Chair.)

Ms. STABENOW. Mr. President, there are no good wars or bad wars; there are only necessary wars or unnecessary wars. Five years ago, I was proud to stand along with the distinguished Presiding Officer on the floor of this body and argue that going into war with Iraq was unnecessary. It wasn't an easy day for any of us. No burden weighs heavier on the shoulders of any one of us than questions of war and peace. We deliberate countless and important issues in this Chamber, but none are as serious as sending America's sons and daughters into harm's way. I stood here that day in October and said this is a vote of conscience, also a vote of historic consequence, because what we debate and decide here will not only significantly affect this great Nation, but will immediately influence global events for years to come. No matter how difficult the decision may be, it is one each of us must make for the sake of our country. We have an obligation and a duty to carefully weigh the consequences of a preemptive attack. I went on to say that before we engage in war, we must understand that the results of war are irrevocable and a peaceful solution should always be our first choice.

Today, we are living with the consequences of this war. We will continue to live with those consequences in our communities, in terms of young lives lost and shattered, and families who will never be whole again, and the emptiness left by neighbors who gave their last full measure in this fight. As a nation, we will live with these consequences for years to come as we face a world we shaped by this unnecessary war—a world in which we must now deal with a reinvigorated al-Qaida and a less stable Middle East today than when the first American tanks rolled into Baghdad.

We cannot go back and change the mistakes and missteps that have brought us here, but we can and we must begin to dig ourselves out of the hole that we have dug in Iraq. We can and we must embrace a strategy that brings our troops home safely and responsibly. We can and we must make the tough choices to end this war.

Twenty-three of us stood up against the war on that October afternoon. Today, there are more of us. We have all watched the events of the last half decade play out in front of us. We have watched the violence and the horror of modern war play out on our television sets. We have listened over and over again as the administration's rhetoric has become more and more detached from the reality of what is going on in Iraq. What were merely predictions and concerns in 2002 have today become reality. Militarily, we are paying the price every day for the administration's neglect in planning for the aftermath of initial combat operations in Iraq.

Our troops are fighting and working in extreme conditions. They face an

enemy they often cannot identify, one that has shown a total disregard for human life and a willingness to sacrifice themselves, their families, and innocent bystanders merely to inflict damage on American forces and innocent Iraqi citizens. Every day, they face an environment to test their physical limits, in 100-plus degree heat. We know it is very hot now. Those of us who have been to Iraq understand the kind of conditions with the heat and the sand and the conditions that are happening there that are, in many cases, unimaginable. They face an Iraqi Government that refuses to take responsibility for the future of the people of Iraq, one that leans on American forces instead of effectively partnering with them to allow our forces to step back and Iraqi security forces to step into the front line.

Our fighting forces are stretched to their limit. They are getting the job done and they are bravely doing that. We are proud of them. But by forcing multiple redeployments without proper rest, this administration has let them down. We have alienated countless foreign allies, squandered the international good will that was at our fingertips after the attacks of 9/11. We turned Iraq into a breeding ground and training school for terrorists, providing international rallying points for extremists. There was not an organized presence of al-Qaida in Iraq until this administration chose to invade.

The administration's own National Intelligence Estimate, released today—yesterday at this point—specifically notes that ''al-Qaida will probably seek to leverage the contacts and capabilities of al-Qaida in Iraq, its most visible and capable affiliate and the only one known to have expressed a desire to attack the homeland.''

This NIE reveals the sobering truth. Not only has this unnecessary war not increased the safety of the American people, but al-Qaida's recovery is a direct result of this administration's decision to invade Iraq. Meanwhile, conditions in Iraq have spiraled. The daily headlines of our newspapers seem to be ripped from the pages of a Greek tragedy: Suicide bombers; civil war; American soldiers unable to tell friends from foes; units serving second and third and now even fourth redeployments; American troops returning home physically mangled, emotionally drained, and psychologically injured; lives and families changed forever.

Five years ago, Americans had never heard of an IED or a traumatic brain injury. They are now part of our everyday news. We have paid the price in American lives—3,613 dead and 26,806 wounded. We have paid the price in misdirected resources. The billions we have spent in Iraq represent countless missed opportunities here at home, opportunities to strengthen our communities, schools, and hospitals, to create jobs and support our families. When I think of the fact that the latest numbers are now $12 billion a month being spent, and we will debate next week a children's health care plan that we want to fund at $10 billion a year—$12 billion a month versus $10 billion a year to cover every child of a working low-income family who doesn't have insurance in America—this is wrong.

We have also paid the price with our international reputation. America, the world's moral leader, has lost the faith of too many. The hearts and minds we needed to win have too often turned their backs on this administration's arrogance. For too long now, I have watched the Republican leadership engage in legislative games and political posturing to avoid taking an up-or-down vote on this war.

That is what we are asking for. Let us vote. Stop the filibuster and let us vote. They have turned their backs on their responsibilities to the people who elected them and to our troops—most important—and their families because they don't like that they may lose a vote. I have stood on the floor of the Senate time and again to voice my opposition to the war.

Sending more Americans into combat without a strategy for success will not improve the situation on the ground, and it will not bring our men and women in uniform home any sooner. Only the Iraqis can secure Iraq, and American troops cannot be seen as a substitute for Iraqi resolve.

The so-called surge has done nothing but reinforce this reality. We are rushing more American troops into combat every day and not seeing the increase in security that is needed. Why would we go farther down the path that has led us to this point? Why? Why would we repeat previous mistakes and call it a new strategy?

This administration failed our troops by committing them to this war without a clear reason or goal. This administration failed our troops by not having a clear mission for our armed services in Iraq. This administration has failed our troops by not providing the proper equipment, body armor, and logistical support for our forces. They failed our troops with poor planning for the invasion of Iraq and their total lack of planning for how to secure the country. They have failed our troops by sending them back into harm's way over and over and over again, without the proper rest between redeployments.

Our armed services have traveled a tough road since we invaded Iraq. They have shouldered a heavy burden with pride, patriotism, confidence, and honor. We have asked extraordinary things from them at every turn, and at every turn they have delivered magnificently. They have made us all proud. They have faced tough situations. They have made tough choices and done their duty. Now we need to do what is right for them.

Unlike the President, all of us go home and face our constituents—our neighbors. We see them at church, at the grocery store, at the kids' schools, and at events all over our States. They sent us here to be their voice. As we know, this is not Washington, DC's war. We may set policy here, we make speeches here, we take votes here, but this is America's war. The men and women putting their lives on the line in Iraq every day are from every size town and city—from farms and factory towns. There is no red or blue America when it comes to the war in Iraq. War knows no political party. Americans do not watch their nightly news or read about the troops that didn't make it home in their local papers and think, well, I am a Republican or a Democrat. They think I am an American, I want a change, I have had enough. Enough is enough.

We sit here in this historic Capitol while Republican colleagues filibuster and stop the Senate from voting yes or no on a proposal to change course and end this war. While we do that, communities across the country bury their loved ones, schools hold vigils for alumni laid to rest too young, churches comfort parishioners who have lost sons, daughters, husbands, wives, mothers, and fathers.

We are the voices of these communities, of these towns and cities and counties. We were elected with their sacred trust to come to Washington and speak out for them, to make our mark for them on the issues that face them and face our country.

By continuing to stonewall a vote on this Levin-Reed amendment, the Republican minority has stripped all Americans of their voice in this debate. They have said to the people who elected us that this issue of war is not important enough to have their elected representatives vote yes or no on the substance.

Too often in the white noise of politics, we lose sight of the responsibilities we bear. We get bogged down in the politics of partisanship and lose sight of why we were elected.

I believe we owe it to the American people to take this vote—take the vote—not to just stop the filibuster but to have the vote on the policy. There is nothing more important or more pressing to the people of this country right now than this war. It is the responsibility of the Congress to engage in shaping the policy concerning the war on behalf of all of the American people.

The Levin-Reed amendment is as simple as it is necessary. It sets a firm start and end date to transition the mission and begin the reduction of U.S. forces, beginning 120 days after its enactment and completed April 30 of next year, 2008.

The amendment limits the U.S. military mission after April 30 to counterterrorism, training of Iraqi security forces, and protection of U.S. personnel and assets.

Finally, it requires that the reduction in forces be part of a comprehensive, diplomatic, regional, political and economic effort, and it appoints an international mediator to bring together the warring factions.

The President's strategy in Iraq has not worked. This war was started on a

false rationale. It was executed based on false assumptions. It has led to heartbreaking consequences.

Supporters of the war in Iraq have claimed that one of their goals is to spread democracy throughout the region—an ironic statement considering they are stifling the democratic process right here on the floor of the Senate. This issue is too serious not to take an up-or-down vote on changing policy. The American people want to bring our sons and daughters home. It is our job to vote yes or no and let them know where we stand, not to use parliamentary procedural votes to stand in the way of the people's will.

I have said it before and it remains true tonight: History will judge this administration on how they have waged this war. History will judge us on how we end it. We have all walked different paths to get to this point. Many of us were here when the war began. Some have joined this body in the intervening years. Many who today stand with us were once for the war. None of that matters at this point. What matters is the facts and what we are prepared to do about them. Are we prepared to stand up to the White House and say enough is enough? Enough is enough.

It is morning in Baghdad right now, and our troops are waking up or are on duty, another day on the front lines. The unpleasant truth is that too many American men and women will be wounded today while doing their jobs. Odds are that some will lose their lives in service to their country. But they are there, focused on their job. They are focused on their duty. They assume we are back here focusing on the mission and the strategy and making sure we get it right. They are counting on us to get it right, as they are focused on their jobs every day. They are getting the job done. Everybody who woke up in Iraq this morning and put on the uniform is a hero. Every day we let this war drag on is another day they are fighting without a strategy that works for them. We should all be able to agree that is simply unacceptable.

I would like to close with the same words I closed with in October of 2002. We have witnessed a lot in the last 5 years, but these words are as true tonight as they were then:

> We are a strong and powerful nation, made that way by our willingness to go that extra mile in the name of liberty and peace. The time is now for us to work together in the name of the American people and get it right.

I urge my colleagues to vote to end the filibuster and support the Levin-Reed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we are indeed dealing with a serious subject that gives us all great pause and concern. I know my colleagues have had a sign that they have put up: Let us vote. I think it is important to recall that 53 days ago, we voted. We voted in this Congress to authorize and appropriate the funds to execute the surge that General Petraeus is right now executing in Iraq. That is what we did. It was a vote of 80 to 14. Less than 2 months ago, we voted to do that. Many of the speakers tonight saying we must withdraw right now, we must have a new strategy, have forgotten that when we cast those votes 53 days ago, we were executing a new strategy then. Are we now going to have another one?

Virtually all of the individuals who spoke voted for that funding, voted knowing that General Petraeus would lead this surge and voted knowing that we would be having a report in September and we could work through that report to decide how we would conduct this war in the future.

The Levin amendment is, indeed, a very important amendment. There is nothing small about this. It is critical. It requires our full attention. We must recognize that. I do believe it is inescapable that the Levin amendment calls for a precipitous withdrawal from Iraq. Those troops not withdrawn will be directed by this Congress today by this vote on how they will conduct operations in Iraq. As our distinguished colleague, the Senator from Arizona, said, we will be telling our soldiers what they can and cannot do, whom they can and cannot wage war against, and how they will be conducting it. A group of politicians in an air-conditioned room sitting in Washington developing a political compromise is going to tell commanders how to deploy our soldiers in the field. So the issues have special urgency because right now American soldiers, sailors, airmen, and marines are in harm's way.

No one is afraid to stand up to the President. Our challenge is to do the right thing, the right thing for America, the right thing for our soldiers, the right thing for history. I believe my colleague from Michigan said we will be judged on how we leave. I was thinking the other day about that phrase someone said: Nothing so became them save their manner of leaving. I would alter it somewhat and suggest that someone might say: Nothing so ill became them save their manner of leaving. If we do it wrong, if we do it in a way that leads to mass slaughter or disorder, death, instability in the entire region, it is a threat to the peace of the region.

It is this Congress, not just the President, which authorized the use of force in Iraq in the beginning. We have confirmed the commander of those military personnel that are there now. We have provided the money and resources to maintain and to carry out that military operation. Those wonderful military personnel of ours have worked and fought and bled and died as a result of the policies we have authorized. It is our responsibility. We can't just blame it on the President. They have performed nobly and served this country well.

While I have never felt that I have had enough time in Iraq and that I have been able to learn everything I would like, I have visited that country six times. I talked to our soldiers there, our Guard, Reserve, Active Duty, those from Alabama and from other States. I talk to them in airports and their families in my State. They have done a great job. The biggest complaint I have heard consistently is: Why don't people tell the good things that we do and that occur? All we hear is the bad. I hear that a great deal.

But the truth is, for reasons unconnected to the fine work of our soldiers, things have not gone as well as we had hoped in Iraq. The Iraq mission has been very difficult in terms of lives lost, wounded, and the cost. While the initial military action went far better than many of us expected, the aftermath has been marked by errors, violence, and frustration. Particularly at this point, we are disappointed that the Iraqi Government has been unable to produce the kind of political leadership that would be beneficial to reducing the violence. It is a real frustration for us. There is no easy solution to it. They say we don't understand their difficulties. I suspect some people can't understand why Congress can't do things as they would like to have them do also.

Perhaps our biggest error as we went into this war was to underestimate the difficulty of creating a functioning government in an area of the world that has not had one before. This is not an easy thing. It is a very difficult thing. We have to be realistic about that in the future. For those in Congress, for the American people and our generals, there is certainly no one easy solution, and there is no certain outcome. But we do know the outcome is very important to the Iraqi people, to the people of the region, and to us. We need to get it right.

I earnestly hope we can draw down our troop levels in Iraq soon. Nothing would make me happier than to see that happen. But we must do it correctly, smartly. We can't do it precipitously. We can't do it here, without even listening to our general in Iraq whom we just sent there to command those troops, without even getting his opinion. This is his third year, third tour in Iraq. He was there when the initial invasion occurred. I visited with him when he commanded the 101st Airborne in Mosul. He came back and trained the Iraqi military. He came back home for the second time and wrote the manual on how to defeat an insurgency. Now he is back over there executing that, and we knew all that when we sent him. How can we write a policy of withdrawal and to direct the limited purposes for which our troops can be used and then set forth three purposes for which they can be used and the people that they can take military action against and we haven't even heard from our commander? What kind of sense is that? What kind of responsibility is that?

They say: If we don't threaten to withdraw, they won't reconcile and do all the things we want them to do in the Government. If we have to do more than threaten to withdraw if they don't do those things, we are going to have to just withdraw because they haven't satisfied our ambitions and goals for their successful political development.

Proponents of the Reed-Levin amendment claim that we must withdraw U.S. troops from Iraq because it is the only way to bring a responsible end to the war and to force the Iraqi Government to act. Actually, such a withdrawal required by the amendment is far more likely to consign the Iraqi people to mass slaughter.

The Iraq Study Group specifically—that is the group which has been so often cited, the independent group—concluded:

> A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.

The study further concluded:

> The near-term results would be a significant power vacuum, great human suffering, regional destabilization, and a threat to the global economy.

Similarly, the intelligence community concluded in the NIE, the National Intelligence Estimate, earlier this year that the consequences of withdrawing U.S. troops from Iraq prior to Iraq being able to provide for its own security would be sectarian violence, that sectarian violence would significantly increase, accompanied by massive civilian casualties and displacement. Get that? Sectarian violence would significantly increase, accompanied by massive civilian casualties and displacement.

The intelligence community pointed out how this mass chaos in Iraq would directly threaten the security of the U.S. homeland as it concluded al-Qaida would attempt to use Anbar Province to further attacks outside Iraq. General Hayden, Director of the CIA, succinctly testified to the Senate Intelligence Committee, in response to the question what would happen if we pulled out now from Iraq—that was the question to the Director of the CIA—he said succinctly three quick areas: more Iraqis die from the disorder inside Iraq; Iraq becomes a safe haven, perhaps more dangerous than the one al-Qaida had in Afghanistan; and the conflict in Iraq bleeds over into the neighborhood and threatens serious regional instability.

The Iraq Study Group concluded al-Qaida would depict our withdrawal as a historic victory. They have already claimed historic victory over the Soviet Union.

I ask: Is this a responsible way to leave? Is this a way to see what we have done in Iraq end?

Senator REID, the Democratic leader, said we need to pull out of Iraq so we can ''drive the terrorists back to the darkest caves and corners of the Earth.'' Well, that is a good goal, I suggest. But tell me how that goal would be furthered if we pulled out and gave a safe haven in Iraq to al-Qaida and provided them with a victory of historic proportions. Wouldn't that embolden them? Wouldn't that enable them to recruit more people? Do you think they are then just going to be satisfied there? Wouldn't they then have the initiative? Would not they then be looking where they would hit next?

Our Democratic colleagues argue that it is somehow wrong for those who oppose the Levin amendment to utilize the full procedural protections available to a minority in the Senate. It wasn't wrong when they were using those manners on a regular basis, trust me. I think we set a record last year or the year before on these filibusters and the number of times it took 60 votes to do something or not succeed in getting 60 votes. But they suggest that somehow it is inappropriate to use our well-established, commonly used procedure, routinely done, to require 60 votes on a matter of great importance such as this. Of course, I would suggest that is when, in matters of great importance, the 60-vote rule is most needed and most appropriate.

To press the point further, I strongly believe that whatever the inclinations of Senators on the conduct of the war in Iraq, to change our strategy now before we even hear from General Petraeus in September would be a colossal blunder for a host of reasons. To do so would be unthinkable. It must not and I believe will not happen. This Senator would be derelict in his duty if he did not make use of every traditional proper rule of procedure in this Senate to see that it does not happen, and that I will do. We agreed to execute this surge and to take a report in September. That is what we should do. We already have a new strategy.

We debated it at length in April and in May. Bipartisan meetings occurred. The Democratic leader and the Republican leader went to the White House, and they talked and they talked, and we finally agreed and passed, 80 to 14, the bill that funds this surge. That is our new strategy.

We knew exactly what we were voting for. There was no dispute about it. We were voting for an increase in American soldiers in Iraq and a new emphasis on General Petraeus's strategy of counterinsurgency and increasing security in Baghdad particularly. That is the strategy General Petraeus is now executing. Are we now to change it again? Are we now to have a strategy de jure or a new one every week based on coffee shop talk or some poll that just came in?

Senator REID earlier today quoted polls that said people agree with him. He said someone talked to his brother. Let's get real here. The established bipartisan policy that we passed 80 to 14, 53 days ago, must not be lightly changed on polls and anecdotes—change without even listening to the general who is in Iraq, seeking his opinion. It would embarrass the United States before our allies and the world. Indeed, U.N. Security General Ban Ki-moon yesterday urged us to exercise ''great caution'' in considering a rapid withdrawal from Iraq. He said:

> It is not my place to inject myself into this discussion taking place between the American people, government and Congress. But I'd like to tell you that a great caution should be taken for the sake of the Iraqi people. Any abrupt withdrawal or decision may lead to a further deterioration.

Well, is that a product of President Bush's pressure or some hardheadedness? No. The Secretary General is very worried that we may abruptly alter our commitments and policies without any rational plan for what would happen next.

A rushed withdrawal, I think, could even signal political panic. It could signal a lack of seriousness and thoughtfulness. It is unthinkable that the Senate would vote to flip-flop our strategy while our soldiers at this very moment work to execute the congressional policy we assigned them 54 days ago.

Senator REID and Speaker PELOSI will have in effect taken over, I suppose, as Commander in Chief in conducting this military action and begun to direct the very deployment of our soldiers on the battlefield, telling them what they can and cannot do, without any advice from the military and, indeed, contrary to our Commander's wishes and opinions. They do not even want to hear his report, the one we asked him to give just a few days ago.

Well, maybe somebody, if they are going to take over that, would have to tell him what we voted on if this bill were to pass. Hopefully, it will not. A phone call might go like this: General Petraeus, this is Senate Majority Leader HARRY REID. I know we confirmed you to lead the new surge, and after much debate we voted on May 24, 80 to 14, to approve and to fully fund your new surge strategy. I voted ''yes'' for it, too. But that was then. That was 54 days ago. Since then we have heard from antiwar activists—some of them come in cute pink suits and wear crowns—from many concerned citizens, and somebody talked to my brother, and maybe a few pollsters and political consultants have been consulted. So just forget that old strategy. We now have voted for a new one. It will be very popular here. Prepare for rapid withdrawal of your forces. Your work is a failure. You will not succeed. We do not want to listen to your report. Just make sure you comply with our mandates and pull out of there.

Well, he might go on—the majority leader might—well, yes, we did say you would have until your report in September, but that promise was a long time ago. It was 54 days ago. Much has changed here at home. Just follow our new strategy. Well, General Petraeus, I know you feel something is owed to our soldiers out there who are at risk working to execute the surge strategy

we supported just 54 days ago. Just tell them we changed our minds. You say they will be let down if they are stopped before they have an opportunity to achieve success? I do not think so. They will get over it.

Well, maybe that is a bit unfair. Maybe that is not a fair way to deal with it. But with a little senatorial poetic license, I think it makes a sort of point. Many have said that President Bush lied to get us into this war. I reject that. But what is the integrity in voting on a policy in May that puts 30,000 more soldiers in harm's way and then we pull the plug on them before they have half a chance to be successful?

Our military will go where we ask them to go. They will go into harm's way. They are willing to put their lives on the line. They do not want to be put on the line if we are not going to follow through to success in the end. Among the other adverse ramifications of a precipitous withdrawal, a failure of will by the Congress that denies our military a fair chance to be successful, I think could be damaging to the morale of the finest military we have ever had. I think it is an important matter.

There are a lot of things we need to be thinking about. I do not know how this war will come out. I am anxious to hear General Petraeus's report. He finished at the top of his class at West Point or near the top. He was No. 1 in his class at the Command and General Staff College. He has his Ph.D from Princeton. He is a Ranger combat commander of the 101st Airborne, and he has written the manual on how to defeat an insurgency. He has only had his full complement of the surge troops about 3 weeks.

I believe it is premature and immature for us to react in this way and vote to bring those soldiers home, to reorder how they will be deployed without even seeking his opinion or giving it sufficient thought.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, the Senator from Minnesota has been waiting patiently for, I believe, an hour or so. I note the Senator from New York is on the floor. So I will speak for a few minutes and then yield the floor.

I want to point out that again, yesterday, British Army Lieutenant General Graeme Lamb, Deputy Commander of Multinational Force, Iraq, and senior British military representative in Iraq, was asked by Jamie McIntyre of CNN about how ''the growing sentiment in our Congress to bring U.S. troops home sooner affected the mood of troops deployed in Iraq.''

Lieutenant General Lamb responded that those troops find it ''a touch difficult because while it is so clear to them that we are making progress, it is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity.''

Lieutenant General Lamb noted that those making such judgments and not taking note of the progress ''are not going out every day in a humvee.'' Moreover, he further noted that the progress the troops see is ''seldom reported.'' They see provincial councils. They see water going to people who did not have it before. They see electricity coming on line. They see stability to the networks. They see all the stuff that no one portrays.

That is the view of our deputy to General Petraeus over in Iraq. Yet I hear on the floor here—I hear again there has been no progress made, that the status quo remains, that there has been no progress. And as we get into the debate, we find that those who are supportive of this particular amendment, which requires after 120 days a departure from the conflict, have no plan B themselves. I have been asked continuously what plan B is. And plan B, after the surge, I believe details a set of difficult options. But I think it is important that we point out what has been happening in Iraq as a result of the surge, even though it has been a very short period of time.

In Anbar Province—which we all know is over here, as shown on the map. Here is Fallujah. Here is Ramadi. The fact is that last year Anbar Province we believed was lost to al-Qaida. The U.S. and Iraqi troops cleaned al-Qaida fighters out of Ramadi, which I visited last week, and other areas of western Anbar Province. Tribal sheiks broke with the terrorists and joined the coalition side. Ramadi, months ago, was Iraq's most dangerous city. It is now one of its safest. Attacks are down from 30 to 35 a day in February to zero on most days now.

Fallujah. The Iraqi police center established numerous stations and divided the city into gated districts. Violence has declined. Local intelligence tips have proliferated.

Throughout Anbar Province—this area shown right here on the map—thousands of men are signing up for the police and army, and the locals are taking the fight to al-Qaida. All 18 major tribes in that province are now on board with the security plan. A year from now, the Iraqi Army and police could have total control of security in Ramadi, allowing American forces to safely draw down.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. McCAIN. Mr. President, I am glad to yield for a question.

Mr. SESSIONS. I was in that area, also, in the spring and was there last fall. Last fall, I thought it was one of the worst briefings, the most troubling briefings I had about the condition in the al-Anbar region. I say to the Senator, you have been there, I guess, within the last week. It was a dramatic turnaround. One of the thoughts that went in my mind was: Why would I ever want to bet against the U.S. Marines. They were out there having a tough challenge, but this thing has turned around, has it not? I ask the Senator, is that his view, from talking to the people on the ground, as they explained it to us?

Mr. McCAIN. Mr. President, in response to the Senator's question, I would say a couple things have happened. One is obviously, as the Senator has pointed out, the bravery and courage of our Marines and Army personnel who are there. But in addition to that, al-Qaida has been so cruel, so disruptive, and causing so many difficulties that the sheiks, the Sunni sheiks have come over on our side.

About a year ago, they were recruiting about 20 to 25 people a month to join the local police. The last time they had a recruitment drive, some 1,200 young Sunnis showed up.

Now, I will freely admit to my friend from Alabama, you will never see this probably in much of the media reporting today. That is why you have to go over there and get feet on the ground, as I know the Senator from Alabama has, the Senator from Minnesota and others, as well as the Senator from New York. But you have to see it, and you have to talk to these people.

It brings up another point. These soldiers, marines, airmen, others, men and women, pay attention to what is going on here on the floor of the Senate. They pay attention when the majority leader of the Senate says the war is ''lost.'' They pay attention when people, previous speakers have said nothing has changed, no improvement. They pay attention to that.

General Petraeus said in response to a question I asked him a long time ago—I said:

> Suppose we send you additional troops, and we tell those troops we support you, but we are convinced you cannot accomplish your mission, and we do not support the mission we are sending you on. What effect does that have on the morale of your troops?

That is a question I asked General Petraeus back in January. General Petraeus said:

> Well, it would not be a beneficial effect, sir. Obviously, a commander would like to go forward with as much flexibility as he can achieve. I was assured yesterday by the Secretary of Defense, if we need additional assets, my job is to ask for them.

Of course, Lieutenant General, British Army General Lamb was much more frank in his response, where he said:

> While it is clear to them that we're making progress, it is not reflected by those who are not in the fight but are sitting back and making judgment upon what they, the troops, can see with absolute clarity.

So my answer to the Senator from Alabama is—and I will go through some more areas where we made progress—it is very unfortunate that more Americans do not know not only about the success but of the incredible difficulty of this kind of combat, and yet these young people are doing such a magnificent job.

Mr. COLEMAN. Mr. President, will the Senator yield for a question?

Mr. McCAIN. Mr. President, I am glad to yield for a question.

Mr. COLEMAN. Mr. President, my experience is much like the Senator from Alabama. When I was there in the fall, it was described to me as the ''Wild West'' and it was not very uplifting. When I was there in April, we had Minnesota National Guard soldiers who were serving in Anbar Province, and they told me of an incident in a town called Habbaniya, where a suicide bomber drove into a crowd coming out of a mosque, killing or wounding 70 Iraqis. It was the American soldiers and National Guardsmen giving blood, even though not a single American had been hurt or injured.

Then they told me, the next day, or shortly thereafter, the local mayor and the local sheik came in with a list of al-Qaida operatives and said: These are the enemy. We want to work with you side by side to root them out.

I ask the Senator, in your experience there, have you also seen incidents or heard of incidents where the brutality of al-Qaida against Sunnis has evoked a response from local sheiks and local elected officials to work side by side with the Americans—be they the Marines, Army, or National Guard?

Mr. McCAIN. Mr. President, I say to my friend from Minnesota, he is exactly right. The fact is the people there are sick of al-Qaida, as he well points out. The sheiks are on our side. Al-Qaida has reacted, predictably, very violently. They have assassinated some of these sheiks. They have assassinated their families. Their lives are threatened every day.

But the fact is, they are sick and tired of al-Qaida. They are turning out in large numbers to join the local police. And they are doing, frankly, a job that surprises many of us.

I wish also to comment in my remarks that this is a long way—a long way—from the security situation we want. But somehow to stand on the floor of the Senate and say we have not had some signs of success I think flies in the face of the assessment of the generals and those we placed in charge and the facts on the ground.

South of Baghdad, as I was saying, in this area, as shown on the map, Operation Phantom Thunder is intended to stop insurgents present in the Baghdad belts from originating attacks in the capital itself.

A brigade of the 10th Mountain Division, which I visited, is operating in Baghdad belts that have been havens for al-Qaida. And the slog is tough. It is very tough in that part, south of Baghdad, since many of the al-Qaida and other insurgents have migrated out of Baghdad into that area. But the soldiers of the 10th Mountain Division are moving forward, all of them. Commanders report that the local sheiks there are increasingly siding with the coalition against al-Qaida. Southeast of Baghdad, the military is targeting al-Qaida in safe havens that they maintain along the Tigris River. In Baghdad itself—the key to all of this—the military, in cooperation with Iraqi security forces, continues to establish joint security stations and deploy throughout the city. These efforts have produced positive results, according to General Petraeus and others. Sectarian violence has fallen since January. The total number of car bombings and suicide attacks declined in May and June. The number of locals coming forward with intelligence tips has risen.

Make no mistake, violence in Baghdad remains at unacceptably high levels. Suicide bombers and other threats pose formidable challenges, and other difficulties abound. Nevertheless, there appears to be overall movement in the right direction.

North of Baghdad, the Diyala area—up here—Iraqi and American troops have surged and are fighting to deny al-Qaida sanctuary in the city of Bakuba. For the first time since the war began, America showed up in force and did not quickly withdraw from the area as had been the case in the previous failed strategy. In response, locals have formed a new alliance with the coalition to counter al-Qaida. Diyala, which was the center of Abu Mus'ab al Zarqawi's proposed Islamic caliphate, finally has a chance to turn aside the forces of extremism.

I offer these observations not in order to present a rosy scenario of the challenges we continue to face in Iraq. As last week's horrific bombing in Salah ad Din Province illustrates so graphically, the threats to Iraq's stability have not gone away, nor are they likely to go away in the near future, and our brave men and women in Iraq will continue to face great challenges. What I do believe is that while the mission to bring a degree of security to Iraq, into Baghdad and its environs in particular, in order to establish the necessary precondition for political and economic progress, while that mission is still in its early stages, the progress our military has made should encourage all of us.

It is also clear that the overall strategy General Petraeus has put into place, a traditional counterinsurgency strategy which emphasizes protecting the population and which gets our troops off the bases and into the areas they are trying to protect, is the correct one.

Some of my colleagues argue that we should return troops to the forward operating bases—that is basically what would happen if we passed the Levin-Reed amendment—and confine their activities to training and targeted counterterrorism operations. That is basically what this resolution says. That is precisely what we did for 3½ years, and the situation in Iraq got worse—precisely. I am surprised my colleagues would advocate a return to the failed Rumsfeld-Casey strategy. No one can be certain whether this new strategy, which remains in the early stages, can bring about greater stability. We can be sure that should the United States seek to legislate an end to this strategy as it is just beginning, then we will fail for certain.

Mr. President, I read this earlier, this resolution. This resolution incredibly says that we can only—the mission is restricted to only fighting al-Qaida. I guess al-Qaida will have to wear T-shirts that say they are al-Qaida. I guess our troops are expected, if someone is planting an IED, to say: Excuse me, sir. Are you al-Qaida or Shiite? If you are Shiite, go ahead and plant it. Please.

Now that the military effort is showing some signs of progress, the space is opening for political progress. Yet, rather than seize the opportunity, the Government, under Prime Minister Maliki, is not functioning as it must. We see little evidence of reconciliation and little progress toward meeting the benchmarks laid out by the President. The Iraqi Government can function; the question is whether it will.

I would like to urge my colleagues to take a look at one more chart. I appreciate the indulgence of my colleagues, but I think we ought to look at the region. I think we ought to have a look at this region today. With Iraq obviously in the center of an area of the world from which comes the world's supply of oil, from which comes the recruits for al-Qaida, from which comes the primary source—not the only source, as we have found, but the primary source—of suicide bombers and people who would rather commit suicide and take others' lives along with their own, what happens when Iraq evolves into chaos and genocide?

Iranians are already exporting the most lethal IEDs into Iraq, IEDs that are capable of even penetrating the armor of our tanks. They are exporting into Iraq not only terrorists and those who have orchestrated attacks, including the kidnapping of American soldiers—there is very compelling evidence that they were paid to do that—but they are also increasing their influence in all of southern Iraq. Religious leaders have gone into southern Iraq, into the small towns as well as Basra. Basra has become, unfortunately, a very dangerous city, thanks to Iranian influence. In the meantime, the Iranians, emboldened by our failure in Iraq, continue to do other things as well, including developing nuclear weapons, including providing support for Hezbollah and Hamas.

We see the Saudis now becoming more and more concerned about the fate of the Sunnis. In fact, a few weeks ago, the King of Saudi Arabia made comments very critical about the United States of America for the first time in anyone's recorded memory. Why would he do such a thing? One, our failure; two, they live in the neighborhood and they can't leave. When we talk about telling them we are leaving, then they have to adjust to it. There is very little doubt that the Saudis, with their support of madrasas and other extremist training grounds, are responsible for many of the problems.

Jordan now has—see how small Jordan is—Jordan now has 750,000 Iraqi

refugees. How many more do you think will pour into Jordan if this instability and chaos ensues, which the majority leader of the Senate has stated, as short a time ago as yesterday, as hypothetical. I think there is very little doubt that the destabilization of Jordan would be at least increased.

What about our friends the Syrians who continue to export people who are suicide bombers into Iraq? The majority of suicide bombers, according to experts, aren't Iraqis; they come from other parts of the Middle East, from Saudi Arabia, from Pakistan, from Afghanistan, and other places. What about the Syrians? If you might remember, after our initial victory in Iraq and the assassination of the former Prime Minister of Lebanon, Hariri, Mr. Assad, Bashar Assad, a former optometrist in London, when his father died, was on his heels. There was supposed to be an investigation going on of the Syrian involvement in the assassination of Hariri, and there have been other assassinations as well.

Meanwhile, in southern Lebanon, despite a U.N. Security Council resolution calling for the disarmament of Hezbollah, Hezbollah is now being rearmed by the Syrians, and their rockets are being resupplied—Katyusha rockets and other weapons are being supplied to the Hezbollah in southern Lebanon. Some believe it is a matter of time before there is a reignition of rocket attacks and conflicts in southern Lebanon.

What about on the other side? What about the Palestinian area? We now see a situation in the Palestinian areas where Gaza is now controlled by Hamas, an organization dedicated to the extinction of the State of Israel. My friends, here is a stark fact: We pull out of Iraq, Iraq devolves into chaos, and the pressures and the danger to the State of Israel is greater than at any time in its history. I don't say that is my opinion; that is the opinion of the military and political leaders of Israel today.

One other aspect that I wish to point out. We know the Kurdish area is probably the most stable part of Iraq for a variety of reasons, including their experience in self-governance. But the Turks have made it very clear that if the Kurds attempt to establish an independent state, they will not stand for it; they will take action militarily. I am not saying that; they have said it. So we have a deterioration in Baghdad, in Iraq, the Kurds declare their independence, and the Turks then feel they are required to take military action because of the insurgency of Kurds who have launched attacks out of the Kurdish areas into Turkey.

So I think it is important for us to recognize there is a lot at stake here. It isn't just Iraq. Certainly, Iraq is part of it, but it is not just Iraq; it is certainly other parts of the region as well.

I hope when my colleagues say, as the majority leader said, ''It is only a hypothetical'' if chaos evolves in the region, that we are required to consider the situation in the entire region and what happens right here where the world's supply of oil—the majority of the world's supply of oil—comes from as well, that we consider the consequences of our actions.

I thank my colleagues for their indulgence, and I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from New York is recognized.

Mrs. CLINTON. Madam President, the description of the problems that are currently existing in Iraq and in the region by my friend and colleague is not only accurate but, unfortunately, an indictment of the policies of this administration. What has been described in terms of the instability in Iraq and the consequences for further conflict are ones I take very seriously.

The issue before us now is what is the best approach we as a nation can take which will fulfill our obligations to our men and women in uniform, which will make clear to the Iraqi Government and people that their lives and futures are at stake, and which will strengthen the hand of the United States diplomatically to deal with the consequences of the misguided policies that have brought us to this point.

There are no good answers. Anyone who stands here and believes that he or she has the truth, the facts, understands both what is going on and what is likely to flow from whatever decision we take, is most probably to be proven wrong by reality as it unfolds. Many of us have been searching for the best approach to take with respect to our involvement in Iraq for a number of years, but we don't do it with any sense that we know everything that will happen, no matter what decisions are taken. But what we do have is a history of miscalculation and mistakes we are now attempting to deal with.

The Levin-Reed amendment attempts to put into law a new direction for Iraq, one that I and others believe is long overdue. The reason I have come to support this amendment is because if one looks at the actions of our military in Iraq, based on the authority under which they are operating, they have achieved the missions they were given. They were asked to remove Saddam Hussein from power and bring him to justice, and they did so. They were asked to provide the Iraqi people with the opportunity for free and fair elections, and they did that as well. They were asked to give the Iraqi Government the space and time to make the difficult political decisions that are required in order to have any hope of stabilizing Iraq over the longer term, and they did that as well. Our military has performed not only heroically but successfully, with courage and determination, against odds and enemies from all sides.

What we know is that when the people of Iraq turn against violence, there is a chance for success. That is the basis of the counterinsurgency strategy. It cannot succeed unless the people on the ground are part of the winning strategy. What has happened in Al Anbar Province is an example of that. The tribal sheiks and the people turned against the violence and extremism of the al-Qaida factions, many of whom were led by foreign fighters who violated not just the human rights but the cultural norms that existed in the area. So there became the opportunity for an alliance—an alliance between our military and local people against al-Qaida. That is why the Levin-Reed amendment includes the continuing efforts against al-Qaida as a remaining mission and a vital national security interest of the United States.

If one looks, though, at the map that was just on the easel, that does not describe the situation in the rest of Iraq. In the south, I think it is clear that Iran is the political occupier, that Iranian agents are largely calling the shots, and that there is an internecine struggle for power among a variety of Shiite militias.

The lawlessness inside Basra and in the surrounding region cannot be quelled by any external force. The British have not only drawn down their troops, but they have withdrawn to their bases. They know they can't go out and calm the waters because the various factions are vying for power. They are going to continue to do so until someone emerges, and Iran is largely influential in determining who that might be.

In Baghdad, we have gone from neighborhood to neighborhood, and yes, where we are, we secure the area, the violence recedes, only to pop up somewhere else, either in Baghdad or maybe in Diyala or Bakuba or somewhere else.

Madam President, the problem is that Iraq is not al-Anbar Province. Al-Qaida is not the major source of the instability in Iraq. It conducts the most violent and spectacular mission. It provides the suicidal killers, who blow themselves up and blow up the cars and trucks in which they live at the moment. But they are not the primary cause of the violence and instability in Iraq. Therefore, the counterinsurgency cannot succeed unless there is a dramatic change in the attitude of both the Government and the people of Iraq. I do not see that happening.

The Iraqi Government has not been willing to make the hard decisions. The debate as to whether they are incapable or unwilling is beside the point. They have not done it. We keep hearing every year, every month, every week that things will be different. How many times have we heard that as the Iraqis stand up, our troops will stand down? How many times have we heard that in 6 months, 8 months, or 12 months our troops may start coming home? Meanwhile, there are more American troops in Iraq today than ever before. The Iraqi Government is more fractured and less effective. The right strategy before the surge and the right strategy

now, postescalation, is the same: Start bringing our troops out of this multisided sectarian civil war.

I believe since our troops have accomplished the mission that was originally set forth, withdrawing them from urban combat, from patrol duty, from the kind of hand-to-hand engagement they are currently confronted with, is the right military and political strategy. It is clear that as we look at where we are today in Iraq, we are asking our young men and women to police a civil war. There is no argument about the very basic premise that there is no military solution. Yet the political front has been neglected.

If there had been a political surge and a diplomatic surge, we might be looking at a different situation. We also know that the training and performance of the Iraqi Army and police forces has not been sufficient to relieve our troops of the primary responsibility for the fight. In fact, because of setbacks and other problems, the numbers of Iraqi troops that are actually available to fight alongside or to take responsibility for the fight has diminished. As our troops serve alongside Iraqi Army officers and soldiers, they find that, yes, some do have loyalty to Iraq. Others, however, are loyal to sectarian militias. Others have looked the other way when the insurgents have planted bombs. Some have even taken up arms against Americans while wearing the uniforms that we help provide.

The catalog of miscalculations, misjudgments, and mistakes in Iraq shocks the conscience, from the unilateral decision to rush to a preemptive war without allowing the inspectors to finish their work, or waiting for diplomacy to run its course, to the failure to send enough troops or provide proper equipment for them, to the denial of a rising insurgency, and the failure to adjust the military strategy, to continue support for a government unwilling to make the necessary political compromises, to the adherence to a broken policy more than 4 years after the invasion began.

Many of us believe it is time for us to move our troops out of harm's way in the middle of the Iraqi civil war. We believe that is an appropriate military decision that will be made sooner or later. The recent report, which was an interim report, did not have very much good news in it. In September, we will get another report, which I predict will be also mixed, which will put the best face on whatever the facts are. But the bottom line will remain the same: Our troops and their families are paying the price for this administration's policies.

Since the Bush administration announced this escalation, 14 brave New Yorkers have been killed in Iraq, and hundreds more wounded. Two soldiers from the 10th Mountain Division, based in Fort Drum, are listed as captured or missing. Since the war began, 3,619 young Americans have been killed, 26,000 have been wounded, many with very visible wounds, such as loss of limbs and loss of eyes, others with those wounds that are invisible but no less injurious, such as depression, anxiety, post-traumatic stress disorder, and traumatic brain injury.

We have spent more than $450 billion so far, $10 billion each month. We are straining our budget. The President's two major initiatives since he was sworn into office in January 2001 have been tax cuts for the rich and the war in Iraq, neither of which is paid for. They have been put on the American credit card. They have been funded by borrowing money from foreign countries, further undermining our standing and our leverage in the world. Our involvement in Iraq continues to erode our position. It has damaged our alliances and it has limited our ability to respond to real threats. The unclassified key judgments of the recent National Intelligence Estimate, called ''The Terrorist Threat to the U.S. Homeland,'' says the threat of al-Qaida is persistent and evolving. The report states that al-Qaida will probably seek to leverage the contacts and capabilities of al-Qaida in Iraq, its most visible and capable affiliate, and the only one known to have expressed a desire to attack the homeland.

This reality is a sobering one and I believe one that demands a new direction. I continue to press for a basic three-step approach. First, start bringing our troops out of harm's way now.

Second, demand—and back up those demands—that the Iraqis take responsibility for their country or lose the aid we are providing them. Everyone knows the Iraqi Government is as much a client of Iran as it is an ally of the United States. Our presence in this multisided sectarian civil war, without a diplomatic or political strategy, makes it unlikely that the Iraqi Government will seek the resolution of the disputes that lie at the heart of this ongoing civil war.

Thirdly, we should begin long overdue intensive regional and international diplomacy on a sustained basis. Diplomacy in and of itself does not promise any great solution, but we have neglected it at our peril. Others have rushed to fill the vacuum. In fact, the problems that were pointed out on the map of the region have also been impacted by the administration's failure to pursue smart diplomacy. As we look at the deteriorating situation in the Middle East, the pressures on the Israeli Government because of the rise of Hamas and the strength of Hezbollah, we can see the consequences of both our failed diplomatic strategy and our problems in Iraq today.

I have called for the strategic redeployment of U.S. forces out of Iraq for several years. I have introduced legislation to end the war but to remain committed to vital national security interests that can be enumerated and more carefully defined. I voted against funding the war without any plan for ending it, or without any companion effort to engage in realistic political and diplomatic initiatives. That is why I have joined a bipartisan majority in supporting the Levin-Reed amendment.

It has been very difficult to get the President's attention. I hear that from both sides of the aisle. The Congress has both a duty and an opportunity to try to do that. We have one Commander in Chief at a time and we have seen repeatedly this administration's failure to deal with the realities we confront in Iraq and elsewhere around the world. When they do change course, as long as it takes them to make that decision, as we have seen in North Korea, the results can be very positive. I can only hope that in the remaining 18 months of this administration, similar actions are undertaken to deal with the problems we confront in the larger region, including Iraq and the Middle East.

I believe, too, it is imperative that the Secretary of Defense and the Joint Chiefs inform the Congress of the plans they have for redeployment and withdrawal. Withdrawing troops is dangerous and difficult. We must not redeploy out of Iraq with the same failure of planning with which our troops were deployed into Iraq. Yet I wrote several weeks ago to Secretary Gates and the Chairman of the Joint Chiefs, General Pace, asking whether there is planning—very specific planning, not the usual response that, yes, we plan for everything, for every contingency—and what is the planning that will protect our troops when they do withdraw, which will happen, whether it happens in 120 days, or next year, or whether it happens the year after; what have we done to make sure that we do it in as careful and orderly a way as possible.

I believe our troops, as well as the American people, deserve a vote, yes or no, on this bill. If you believe in giving the President the continued power to pursue a failed strategy, without checks or balances by this Congress, make your case and cast your vote. If not, then put partisanship aside and stand with the bipartisan majority working to end this war.

Our message to the President is clear: It is time to start thinking of our troops and our broader position in Iraq and beyond—not next year, not next month, but today. I hope we will be able to vote on the Levin-Reed amendment. I fear we will not, in the face of concerns and objections on the other side. But we are postponing the inevitable. Come September, we will have another inconclusive report. We will have more casualties. We will have more who are injured. We will still have the same Iraqi Government waiting us out. We will continue to empower Iran and to destabilize Jordan and to give a free hand to Syria and Hezbollah. We will face an even more dangerous set of choices then. There is no reason to wait.

Madam President, on behalf of the leader, I ask unanimous consent that Senator COLEMAN now be recognized for

up to 15 minutes, to be followed by Senator CASEY for 15 minutes, Senator BARRASSO for 5 minutes, and following the remarks of Senator BARRASSO, Senator REID be recognized.

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

The Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I note that if we adopt the Levin-Reed amendment, we would be doing what the Senator from New York said we should not do. We must not redeploy out of Iraq with the same failure of planning there was going in.

This amendment before us today is a directive from the Senate to redeploy out of Iraq without any planning. Simply sitting here in this air-conditioned Chamber, making a statement that this is what we are going to do, without talking to the commanders on the ground would be a tragic mistake.

Earlier this year, when the President talked about the surge, I raised an objection. In my travels to Iraq, it was clear to me that we were facing a battle in Anbar Province against al-Qaida in Iraq, the Sunni insurgency; and that battle, by the way, we were winning, and we see the results of that today. But in Baghdad we faced sectarian violence and faced American soldiers being in the midst of a civil war, and that troubled me. I raised concerns.

But then 54 days ago we had a discussion in this Chamber. We took a roll-call vote on a bill, and the bill passed 80 to 14, with over four-fifths of the Senate agreeing that day, with rare bipartisanship that we achieved in this Chamber. That wasn't about naming a post office or a courthouse. We got an agreement to address the future of our involvement in Iraq. In that bipartisan effort on the floor of the Senate, we gave support to General Petraeus, who was confirmed unanimously in the Senate, who would provide a report to this body on the surge that I had concerns about no later than September 15. General Petraeus and Ambassador Corker, our Ambassador to Iraq, who served in Pakistan right before being selected as Ambassador to Iraq, would come back and deliver a report to this body and the President, with the President delivering a report no later than September 15. We required this report because we decided as a body that regardless of our concerns about the new strategy, we should allow General Petraeus and Ambassador Corker to execute the new strategy and to report on their progress.

We recently came to broad bipartisan agreement that we should give the strategy a chance to work. How did we end up here tonight picking a date for withdrawal before the report and testimony that we mandated? I don't have the answer. I am afraid that question itself causes me to oppose the Levin-Reed amendment. I have the utmost respect for the Senator from Michigan. We have served together on the Permanent Subcommittee on Investigations for years, working as a team to defend America and prevent waste, fraud, and abuse. Recently, we dealt with the possibility of dirty bombs being developed in this country. So I know he is a good man. I believe the amendment is well intentioned and I believe the transition is a goal that I share. The bottom line is we need a mission in Iraq in the sense that we cannot be fighting the Iraqis' war for them. They have to step forward and achieve power and reconciliation—things they have not done to date. We cannot, however, have a precipitous withdrawal.

I serve on the Foreign Relations Committee, and we have had hour after hour of testimony on the consequences of a precipitous withdrawal and the impact it would have on the ethnic cleansing in Iraq. I will talk more about the region.

Ultimately, our safety is my concern. Precipitous withdrawal would set in place a series of events, none of which are positive. I didn't hear anyone come before the Foreign Relations Committee to talk about that. The Iraq Study Group, which so many have looked at and pointed to, made it clear—no precipitous withdrawal.

Right now, we have an amendment that sets a withdrawal, that doesn't consult the commanders on the ground, that flies in the face of action we took 54 days ago. I can't answer the question, why now? In part, I hear from the majority leader and others. Are there polls? Do we lift our finger to the wind and say: Well, 54 days ago, we told General Petraeus to move forward. We have our troops on the ground who are carrying out their mission. Yet we are debating today to say we are going to move forward with a plan for withdrawal which has not been thought out, which has not been planned, which has not been processed in a way that you would think one should do that. We are concerned about the consequences, in spite of the fact that 54 days ago we sent a message to General Petraeus: Go forth with the surge, and then come back and report to us.

There are consequences to precipitous withdrawal. If you look at Iraq—and the Senator from Arizona talked about this a little earlier—in the northern region, Turkey has troops on the Iraqi border and inside Iraq. If we were to withdraw and if there were to be that division, you would have a Kurdistan. There are deep concerns that the Turks would move forward. There are concerns about terrorism, a group called the PKK. You have that issue of instability. You have Anbar Province in which there has been much discussion about the successes we have achieved in Anbar Province with the local sheiks joining our side. But you have foreign fighters coming in, without anyone stepping in between, from Syria, the Syrian border there, landing at Damascus Airport and coming through and then destabilizing that region and perhaps setting back the gains we have made.

In the south, we have Iran. Iran clearly, as my colleagues on both sides have noted, is playing a major part in what is happening, not just in the south but in the region. The fact is, in Lebanon, Hezbollah is a proxy of Iran. The weapons Hezbollah has have come through Iran through Syria. In the Gaza Strip in Israel, Hamas is a tool of Iran. So if we were to simply withdraw without planning, if we were to put in place a series of events that caused disruption and conflict in the region, we would give Iranians a chance to strengthen their hand. If they do that, then what do the Saudis do?

I have had conversations with Saudi leaders. I am ranking member of the Near East Subcommittee. I have had conversations with Egyptian leaders, the Jordanians. They don't want to see Iran go forward. They don't want to see Iran expand its power.

It is fascinating, because the Senator from New York talked about our position in the world and long overdue international diplomacy. The moderate Iraqi States in the region see the threat of Islamic extremism as fostering the support of Moqtada al-Sadr, the support of Hezbollah, the support of Hamas. They understand that is a greater threat to them than Israel. So they don't want to see us precipitously withdraw.

Ban Ki-moon, Secretary General of the United Nations, has been quoted repeatedly on the floor, saying to us that we need to understand the serious consequences if we were to simply withdraw. There are consequences not just for the region but, ultimately, for us in terms of the threat of terrorism being expanded with an al-Qaida victory, if America is out. They drove the Russians out of Afghanistan. America is driven out of Iraq. That represents a threat to us. That represents greater recruitment. It represents the battle being brought from there to here. That is a real concern.

We have a situation where 54 days ago we said to General Petraeus in September: Come forward with a report. Then, from that, we will go forth with a plan of action.

I would hope that right away the administration now is looking at a series of choices. Senators LUGAR and WARNER have put that on the table. I hope that is going on now, that we understand that the Iraqi Government has not done the things that have to be done to move forward with power sharing and reconciliation. They have not met the benchmarks. I have grave concerns about their ability to do so. We have to be looking at alternatives. We have to be looking at a range of options. But why now? Why at this point in time, other than there are, I presume, interest groups on the left who are concerned that the Democratic majority hasn't done what MoveOn.Org wants them to do, which is to get us out of Iraq?

We had a bipartisan agreement in this body to have a reasoned course of

action, that we need to be out of the central sectarian violence. The Iraqis need to be fighting their battle. We need to maintain the gains we have had in places such as Anbar and not step back and allow that ground and that blood that has been shed to be shed for naught. But why now? Why now? What is the event that has somehow triggered the necessity to move forward today, to be here all night? If anything, from what we heard from General Petraeus on the military side, we are moving forward. On the benchmarks for things the Iraqis haven't done, we have until September.

I presume one of the good things that will come out of this debate will be that we put continued pressure on the Iraqis to do what they have to do. I don't know whether Maliki has the ability to do that. I have my doubts. But I think it is really important.

The Senator from Michigan said we are going to be measured by how we leave. Ultimately, we are not going to be in Iraq fighting their battle forever. We may be in Iraq a long time. If you look at this region, we may be there a long time. We have been in Germany a long time, Korea a long time. We have been in Kosovo a long time. But we need to be there, not being in the center of a sectarian battle, not being in the center of a civil war, but to make sure the Iranians don't sweep through and expand their influence. We have to make sure the Turks don't step down and destabilize the one stable region, to make sure foreign fighters don't move forward and come into Damascus Airport and come across the border near Anbar Province.

We need to do that in a way in which it doesn't happen because of political pressure, it doesn't happen because of a poll, it doesn't happen because we picked a date out of thin air that says: We are doing a Defense authorization, so now we are going to get a plan for withdrawal on the floor of the Senate without listening to General Petraeus, after 54 days ago telling him he could go forward and come back in September.

It is our responsibility to act in the best interest of our Nation's Armed Forces who have sacrificed so much. It is our responsibility to avoid, as Madison and Hamilton described in Federalist 62, the impulse and passion of what might seem like the easiest path—simply ending our involvement in Iraq and hoping for the best. We cannot do that. We must give the strategy the time we said we would give to it work, while at the same time preparing for our next step, something Senators WARNER and LUGAR have articulated so well. We need to continue to plan for the future and continue to evolve as we address new challenges and a changing environment.

We need to remember that Iraq is not just a war; it is a country that is in the center of a very critical region. We have invested blood and treasure in a way we never anticipated, something I remember every time I visit Walter Reed. While our commitment is not open-ended, it is a commitment whose new strategy requires us to live up to the obligations we made when we said to our general: Move forward; when we put our troops there and said: Be in harm's way; and then to come back in September.

We need to change the mission. We shouldn't have a precipitous date for withdrawal. We are going to be there long term, but we have to do it thoughtfully, strategically. We cannot have it poll driven. We cannot have it special interest driven. We should not be doing it here in the Levin-Reed amendment, which I will oppose tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I ask unanimous consent to be recognized for 15 minutes, and if I could have a 2-minute warning so I don't go over time.

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

Mr. CASEY. Madam President, we are gathered here at this early morning hour, as we have now for hour after hour, to talk about the situation in Iraq. We are here in particular to focus on one amendment, the Levin-Reed amendment. I rise this morning to support that amendment for a variety of reasons. One of the reasons I think it should be passed is not just because of the policy contained within it but also because it is a bipartisan amendment. It is the product of a lot of work over a long period of time. Many months of work have gone into this important amendment.

The question we face is very basic. It is the same question we have faced for a long time when it comes to the policy in Iraq. The question is, Where do you stand? Do you stand for a new direction in Iraq, a new policy, or do you stand for the other side of the coin, more of the same, stay the course, supporting the President's policy?

I argue to a large extent what has happened in the Congress the last couple of years, including this year by some Members of the House and Senate, is rubberstamping of the Bush policy in Iraq. That is what we are here to talk about: Where do you stand? You are either on one side or the other. I argue that we should all stand for a new direction for a variety of reasons.

We know the numbers pretty well: 3,600 Americans—more than that now—have lost their lives. From my home State of Pennsylvania, 69 lives have been lost. They gave, as Abraham Lincoln said, the last full measure of devotion to their country. The number we don't talk enough about is the number of wounded. Nationally, over 25,000 have been wounded. Again, in Pennsylvania, the number is very high as well. Over 1,100 Pennsylvanians have been wounded. Even that doesn't give the full sense of what we are talking about. Many of these soldiers have been grievously, permanently, irreparably wounded in this conflict. So we are thinking about them today. We are thinking about those who perished already. We are thinking about their families who have had to endure this suffering and trauma and heartache for a long time now.

The troops have done their job. There was a lot of talk in the last couple of hours, last night and this morning, and I am sure it will go on into tomorrow, about defeat, that if this amendment is adopted, that somehow there will be a defeat. I don't believe that. I don't believe that for a moment. Our troops have done their job. They took down a dictator. They allowed a government to take shape in a country. They have done their job.

It is about time that, as the troops have done their job, this Congress and this President do our jobs. One of the jobs we should never ask our troops to do is what we have asked them to do at least in the last couple of months, if not for more than a year. Unlike any American fighting men and women in the history of the country, this Government has asked our troops to referee a civil war. We should never ask Americans to referee a civil war, not in this war and not in any war.

All this talk about defeat not only misses the point, it is misleading. I am afraid it is deliberately misleading. To adopt this amendment is not adopting defeat. Adopting this amendment is about talking about a light at the end of the tunnel and to make sure we make the right decision on this policy.

We hear a lot about Levin-Reed. Let me spend 30 seconds on who LEVIN and REED are. Senator CARL LEVIN and Senator JACK REED are both members of the Armed Services Committee. They bring to bear decades of experience in this body combined when they talk about the war in Iraq and when they talk about armed services and defense matters. They both bring distinguished references even beyond their service on that committee. Some people in this body remember that Senator JACK REED was an Army Ranger and paratrooper, served in the 82nd Airborne Division. Senator CARL LEVIN, long a supporter of a strong national defense, was given in 2003 the Distinguished Public Service Award, the highest honor given to a civilian. So these are not two rookies talking about our policy in Iraq; these are people of broad experience who have already proven their credentials in supporting the armed services. They are also people who have worked very hard with the other Members of the Senate over many years to get this right.

I mentioned before that several Senators on the Republican side are cosponsors. I won't do biographical sketches of each of them, but suffice it to say, there is an awful lot of military and U.S. Senate experience with the cosponsors of this amendment.

What is this amendment? What does it say? It says a number of things. I

won't read all of it, of course, but it does talk about, in the opening lines of this amendment, a deadline for commencement of a reduction of forces. It says that the Secretary of Defense shall commence the reduction of the number of U.S. forces in Iraq not later than 120 days after the date of the enactment of the act. It talks in subpart (b) about a comprehensive strategy, diplomatic, political, and economic strategy. It talks about sustained engagement with a focus on stability in Iraq. It also speaks to an international mediator in Iraq to help our Government get this policy right. Finally, the amendment speaks of a limited presence of our troops in Iraq and to focus the mission on protecting the United States and coalition personnel, infrastructure, training and equipping, providing support for Iraqi security forces and, thirdly, engaging in targeted counterterrorism.

It talks about a limited presence and a limited mission. But it doesn't talk about, as some have mischaracterized it, a precipitous withdrawal. Just because you say that 100 times, as the other side has said it hour after hour, doesn't mean it is true. That is not what we are talking about here.

A couple of months ago, almost more than 6 months ago now, the President justified his surge policy by arguing that additional U.S. forces would provide security in Baghdad and other areas, providing so-called breathing space. Remember what the President said at that time, way back in January:

> I have made it clear to the prime minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people, and it will lose the support of the Iraqi people. Now is the time to act.

So said the President back in January. Six months later, any fair and objective evaluation of the situation in Iraq would conclude that the surge strategy has not succeeded and the Iraqi Government has failed to follow through on its promises. It should come as no surprise the American people no longer support an open-ended involvement of our combat forces in this growing civil war. We know it from the numbers on sectarian violence. We know the violence that has moved from one part of the country to another. We also know that despite the President's pledges, there is no substantive evidence Iraqi security forces are successfully holding territory that has been cleared of insurgents and militia fighting forces by U.S. troops. When it comes to the clear and hold strategy, there is a lot of clearing, but the holding remains woefully inadequate.

We know the problems with the Iraqi Government: Cabinet members boycotting meetings, the Iraqi Government talking about taking a break for 30 days, on and on. The evidence is clear that they have not made the kinds of commitments they should be making to meet the benchmarks and to inspire confidence in our country that this is the kind of political commitment we are going to need to bring stability.

I have to say when it comes to what the President says, and who pays the price, it is very clear what happens. Every time the President asks for more time, every time the President says we need to stay the course, every time the President says: Ratify my policy yet again, every time the President says: Just give us a little more time, we will get this right this time—every time he promises, and it does not come true, and every time he asks for more support, who pays the price for that?

It is not a Senator or a Congressman or the President. It is no one in his civilian leadership. In fact, it is not a lot of Americans. Every time the President asks for more time on his policy in Iraq, there is only one group of Americans that pays the price for that: the troops and their families. Over and over and over again, they pay with their sacrifice. They do all the dying, all the bleeding for this policy. Yet the President talks about this policy as if it is a Democratic and Republican fight. No, this is about the troops in the field. They are paying the price over and over again.

I will make one more point because I am short on time.

When it comes to who is doing the fighting in Iraq against us, the President said the other day: ''The same folks that are bombing innocent people in Iraq are the ones who attacked us in America on September the 11th.'' Actually, he is not accurate when he says that. There is a group in Iraq consisting primarily of Sunni extremists and relying on the assistance of foreign fighters seeking to intensify sectarian conflict and create unacceptable levels of violence. They were founded in 2003, after the invasion, and this group goes by the name of al-Qaida in Iraq.

While this group draws inspiration from the al-Qaida that attacked the United States on September 11, the two groups are distinct enemies. Our intelligence community has reported that the group is overwhelmingly Iraqi and draws its financing from kidnapping and other local crimes, and seeks largely to incite ethnic cleansing and massacres against Shiite militias. But there is absolutely no evidence—no evidence—that this group is responsible for various terrorist plots in Western Europe or the United States.

We saw in the last couple of hours the report that al-Qaida around the world is as strong as they were on September 11, 2001. So how can it be—if the President is telling us the truth, and if the President's policy is right—how can it be that we made this commitment in Iraq, with all the mistakes of our civilian leadership, all the incompetence of our civilian leadership—despite the brave and noble service of our troops—how can that be with this commitment in Iraq at the same time that al-Qaida is as strong as it was on September 11, 2001?

No, I think it is very clear that this vote and this choice is very simple. We can either stay the course or we can chart a new course. That is what this is about.

I say in conclusion, this is also about whether this Congress will do what it must to prove ourselves worthy of the valor of our troops. That is part of what we have to do. I am not saying one amendment or one vote or one debate will do that. We have a long way to go to prove ourselves worthy of their valor. But I think this amendment is one way to move in that direction, one way to show our troops and their families that we will do everything possible to get this policy right.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President.

This is the first time I am addressing this body. I am filling the seat of former U.S. Senator Craig Thomas, a marine, a warrior, and an American hero. He was a gentleman from Wyoming who has left large boots to fill.

Now, some people have suggested that when I give my first speech, I do it at a time during the day when many people back home in Wyoming would be watching television.

Mr. President, you are also from the Rocky Mountain Time Zone, and you know people get up early. But at home it is now 3 a.m., and I doubt we have many viewers at home.

I was sworn in a little over 3 weeks ago, but it is like I have never left home. As a physician, an orthopedic surgeon, trauma surgeon, I am used to getting up at this hour and working at all unusual hours. People of Wyoming know that, and they call on me day and night. That is why I am here at this hour.

About 21 hours ago, we had a bipartisan breakfast to discuss this very issue. At that body, I told the whole group I was the most prepared to be up at this hour working. I am delighted to be with you. But we are here debating a very serious issue.

I spent a lot of time with Senator Thomas in the last year, driving him around the State of Wyoming, discussing the war, visiting about the war, about his trip to Baghdad, talking about the fact that we are threatened in a global war on terror, and that this is a threat to our way of life.

As a background, as a trauma surgeon and also as a Wyoming State Senator in the State Senate, I chaired the Transportation, Highways, and Military Affairs Committee. In that position, I asked to go and make sure that the Wyoming troops were getting everything they needed in Afghanistan and Baghdad. I was unable to make that trip. The arrangements could not be made. But I was able to go to Walter Reed. At Walter Reed, I was able to visit the troops, the wounded warriors,

because I wanted to make sure that both as a State senator and as an orthopedic surgeon those folks were getting the kind of care they deserved.

What I saw were hero warriors, people who lost a limb or two limbs, and they wanted to return to combat. They wanted to do anything they could to get back with their buddies and fight for freedom.

Wyoming has paid the price, as has every State. I have been to services for young people who have lost their lives. I have held and tried to comfort family members. A little over a month ago, I got a call from my physician assistant. Her son is in Iraq. Her nephew was also in Iraq, and she had just gotten the news that her nephew had been killed. I went to visit the family.

These are brave warriors. These are people doing everything they can for freedom and for our Nation. They did not die in vain.

This past weekend, I was home in Wyoming. I had a town meeting in Douglas. I was also home over the Fourth of July. I had town meetings in Jackson and in Lander. I went to a couple rodeos, as I am sure you do as well. I talked to hundreds of folks traveling around the State. When I went to the rodeos—whether in Casper, or on the Fourth of July in Cody, where I attended it with a former U.S. Senator from Wyoming who has served on the Iraq Study Group—when they ride into the arena holding the American flag, people stand, take off their hat, and put their hand over their heart. The announcer does not have to tell them to do that. They just do it.

At both of those rodeos, in Casper and in Cody, they dedicated the ''Star Spangled Banner'' with a salute to Craig Thomas, former marine. Susan Thomas was there at both events and received the love of the crowd. Then, at both events, the announcer asked for prayers for the bravest men and women in the world, those who are fighting to keep us free.

What I heard from people all around Wyoming was: Do not quit. Do not pull out. Support the troops.

What are the consequences of withdrawal? Well, we heard it today with the Cornyn amendment. It passed today 94 to 3. The purpose: ''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.''

We can go through the findings.

The Senate makes the following findings:

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.

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.''

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.''

We can go on and on, but to me, the Iraq Study Group's final report, page 67, says it best:

The point is not for the United States to set timetables or deadlines for withdrawal, an approach that we oppose.

With that, Mr. President, I yield the floor.

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

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

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

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Barrasso	Enzi	McCaskill
Casey	Gregg	Pryor
Clinton	Kennedy	Reid
Coleman	Kerry	Smith
Corker	Klobuchar	Sununu
Durbin	Leahy	Tester

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Nevada to request the attendance of absent Senators.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Ms. STABENOW), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), and the Senator from Virginia (Mr. WARNER).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 23, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—37

Akaka	Feingold	Nelson (NE)
Baucus	Kennedy	Obama
Bayh	Kerry	Pryor
Bingaman	Klobuchar	Reed
Boxer	Kohl	Reid
Brown	Lautenberg	Salazar
Cantwell	Leahy	Sanders
Cardin	Levin	Schumer
Casey	Lincoln	Tester
Clinton	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NAYS—23

Allard	Corker	Shelby
Barrasso	Enzi	Smith
Bond	Grassley	Snowe
Brownback	Gregg	Sununu
Burr	Hatch	Thune
Cochran	Lugar	Vitter
Coleman	Murkowski	Voinovich
Collins	Sessions	

NOT VOTING—40

Alexander	Domenici	Lott
Bennett	Ensign	Martinez
Biden	Feinstein	McCain
Bunning	Graham	McConnell
Byrd	Hagel	Nelson (FL)
Carper	Harkin	Roberts
Chambliss	Hutchison	Rockefeller
Coburn	Inhofe	Specter
Conrad	Inouye	Stabenow
Cornyn	Isakson	Stevens
Craig	Johnson	Warner
Crapo	Kyl	Webb
DeMint	Landrieu	
Dole	Lieberman	

The motion was agreed to.

The ACTING PRESIDENT pro tempore. A quorum is present.

CONGRATULATING SENATOR BARRASSO

Mr. ENZI. Mr. President, I just wanted to congratulate the Senator from Wyoming on the speech he gave this morning. It is his first speech on the floor since he arrived. It is not necessarily his official first speech, but it is his first speech. I wish to congratulate him on doing a very admirable job. He accurately reflected the feelings of Wyoming which he has collected from his extensive travels in the 3 weeks since he has been in office. He has held a lot of town meetings; he has been to a lot of places; he has listened to a lot of people. I also appreciate very much the comments he made about Senator Thomas and also the tribute that has been paid to Susan Thomas at the events he has attended.

I appreciate the indulgence of the Chair, and I thank my fellow Senator for his excellence comments.

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

Mr. KERRY. Mr. President, I join with the senior Senator from Wyoming in congratulating the new Senator, the junior Senator, for his comments. All of us miss Senator Thomas. I had the occasion to work with him on committee. He was a very fair, decent person and really looked for the center ground here and tried to make things happen. I certainly hope his successor will follow in that good tradition. We thank him for his comments.

Mr. President, I listened, as we all have, to portions of the debate up until now, and it struck me—particularly, I listened to the Senator from Minnesota who was speaking prior to the vote we just had. He made a lot of points that I think most of us would agree with, which is one of the problems with this debate—that Senators on the other side are setting up a lot of straw men and then knocking them down, talking about the strategic interests we have in the region, but then drawing a quick, and in my judgment, inappropriate conclusion that the change in strategy being proposed in the amendment we are debating is somehow going to play into the negative side of those particular strategic interests.

For instance, we have heard again and again how al-Qaida is the central focus, and how if we were to start withdrawing our troops, Iraq is going to be taken over by al-Qaida and America's interests will be hurt. Well, that conclusion is, first, speculative and, secondly, erroneous even in speculation. Why do I say that? Because al-Qaida was not in Iraq until we invaded it. Al-Qaida was not the threat it is today in Iraq until we made a series of errors, which are compounding now with the strategy we are pursuing.

The fact is our presence has been used by al-Qaida as an organizing tool, a recruitment tool, and it has been easier for al-Qaida to play Sunni and Shia off against each other because of our presence than it would be absent it. The experience in al-Anbar Province recently underscores the point we are making on our side of the aisle, which is that once the sheiks, the chiefs, in al-Anbar made the political decision that they were going to take on al-Qaida and actually stand up for their independence, they began to drive al-Qaida out of al-Anbar. Most of the Iraqis I have talked to in the course of the visits I have made there have indicated to me—I haven't met one Iraqi, Sunni, Shia, or Kurd, or various factions within Shia or Sunni, who believes that al-Qaida is a long-term threat in Iraq. Why? Because they don't want al-Qaida in Iraq and because, ultimately, if we are not there acting as the magnet and cohesive glue of al-Qaida's organizational efforts, and if we don't make al-Qaida in fact important to the ability of the militias or insurgents, Sunni and Shia, to use al-Qaida as a convenient tool to target American forces, or even to target civilians of the other sect, the minute that dynamic changes, then their need for al-Qaida changes. That is a fundamental sort of reality that has escaped a large part of this debate.

Al-Qaida is not able to survive, in my judgment, in the long run because of this nationalism, as well as fundamental commitment by each of those people to their own regions and interests that are indigenous to Iraq itself. I think foreign jihadists are going to have a hard time in the long run under those circumstances. Moreover, to talk about the strength of al-Qaida right now as the threat to the United States in Iraq is to ignore the National Intelligence Estimate that has recently been read—some of the public accounts—in the news media. Those of us who have had briefings, and some of us who have spent time pursuing this issue, understand that al-Qaida is reconstituting. They are as strong today as they were on 9/11. That is the latest estimate.

That fact totally contradicts the main message of the President and his administration—that we have to be over there to fight them over there so we don't have to fight them here. The ''here'' is broadening all around the world. If that were true, then what is going on with the Secretary of Homeland Security when he tells us that his gut is telling him that we are likely to have another attack now. It seems to me the chatter we are hearing reflected in the reports from the intelligence briefings we are getting is the same kind of chatter I heard from George Tenet in July of 2001, when he told us in room 407 that he was absolutely confident there was going to be an attack, they just could not tell us where. I might add that in the face of that confidence about the attack and the lack of ability to tell us where, the President took the longest vacation in history, and there were no briefings and nothing happened until September, when the attack of 9/11 took place. It is a matter of record, when we measure what the administration is saying today, what will happen and the challenge to us; you have to measure it against the record. This is not an administration that has been correct, conceivably, about anything, but certainly about almost everything with respect to Iraq.

So with each step that has been made, whether it was the early steps made by Paul Bremer, or subsequent steps made with respect to the disbursement of funds, or the promises of a transition to democracy, and so forth, not one expectation has been met. Not one basic political transformation that is essential to resolving this has taken place. We are in the fifth year, 5 years into it, and the administration says wait another 6 weeks until September before you do this because then we will know what we don't know after 5 years; we will know what we don't know after Senator after Senator has made trips to Iraq and spoken privately with generals, colonels, majors, all the way down the ranks into the noncommissioned officers and those going out on patrols; we have heard from them.

Let me say one thing quickly about what is not happening there. This is also profoundly about those troops. There is no question on either side of the aisle about the respect we have for the quality of the service that American troops are providing our country—no question at all. These are the best trained, most capable and dedicated people I have ever seen. One of my interns is serving over there now. He was an intern a couple years ago. We get regular e-mails from him. He writes us about the losses in his unit. He writes us about the patrols he is going out on. He sends us photographs. We sort of feel in our office like family with his unit. He is First Cavalry, and we are proud of his service and of the service of all of those men and women. They are—most of them—dedicated to the mission. There is not a lot of griping that we hear, and there is a tremendous pride of service. It is wonderful to see.

The bottom line is they deserve missions that make sense. They deserve an overall policy that is equal to the sacrifice and the commitment they show on a daily basis.

I am not a Vietnam veteran who believes everything that happened or comes out of that particular period is governing for what happens now, obviously. But there are certain lessons. If you don't learn lessons of history, as we have read and know, you are doomed to repeat the mistakes you make. Secretary Colin Powell, who was very influential in my own decision to give the President authority to have this big stick of the potential use of force, told me at length in a conversation that I had prior to voting how he thought it was important to apply the lessons of Vietnam to what we may or may not do in Iraq. That was part of the Powell doctrine about the use of overwhelming force and the commitment to know that you are going to do for the troops what the troops have been willing to do for you and their country, and that you are going to go through the diplomatic process and build up the kind of support we never had in the course of the war he served in and I and others served in.

I particularly remember the difficulties we faced on the ground in Vietnam, trying to distinguish between friend and foe, going into a village in the night and seeing people with ID cards that looked the same as everybody else's, and names that were misspelled, and our lists didn't work and they were misspelled. You tried to figure out who was who. It was chaotic. So it is in Iraq, where they go out and they have an interpreter, and you try to interpret, which is difficult anyway, and there is a huge cultural gulf, an enormous difficulty within the tribal

context and cultural context to try to penetrate and figure things out. Our troops are doing an amazing job with the mission itself, but we are struggling with that.

This mission is as flawed as the mission was years ago. You send troops out to find IEDs—the hard way. You are driving down a road and you go through a community and, kaboom, there is an explosion. You get your wounded out and you turn around and you look at each other and say what did we accomplish? What did we get out of that? Did we secure any territory? Did we in fact make the community more secure? The greater likelihood is that the people who were hiding in some house, or the people who blew up that IED are sitting there congratulating themselves, saying we took out another 6 or 10 soldiers, and the headlines are there and that is what they want. Every time we go out and do that, we add to the fragility of the community and the chaos, in the sense of the entire stake. We all know that military mission is not going to reduce the long-term violence, which is being driven by the political stakes that both sides—or all sides, as there are a bunch of entities vying for power here—but all of them are playing us off against those interests. That is what is going on here.

So how many times do we have to listen to generals, particularly, but also to even the President, or the Vice President, or the Secretary of State, or our colleagues say to us there is no military solution? If there is no military solution, then what are the troops accomplishing in these proactive forays out into the community where they ''show the flag'' and show a presence? For a moment, the insurgents may melt into the background but, believe me, the minute those guys have disappeared—and there are not enough of them in Iraq, and there won't be, because we understand the dynamics, to secure all of the communities—the minute they disappear, the currency of daily life in the indigenous community takes over. That is the nature of the beast. That is what an insurgent guerilla-type effort is about, which is why the initial flaw of never committing enough troops to guarantee you can do the job remains so critical to where we are today.

Now, the fact is that the young men and women who are being sent out on those missions have no more hope today than they did yesterday, or the week before, or a year ago. They won't have any more hope in September than they do right now when we are here on the floor with the potential of this vote. They have no more potential of resolving the fundamentals of what is causing those IEDs to be exploded. The fact is that IEDs are being exploded for one most significant reason, which we need to focus on in the context of this debate: because there are factions within the Sunni and Shia who are vying for power. As long as you have this open-ended presence of Americans, we remain the target and they remain committed to use us to foster the insecurity and fear that allows them to continue to maneuver among each other. Unless you change that dynamic, what happens here by continuing this policy, which is what our colleagues on the other side are prepared to do—at least through September, which raises a significant issue that in a moment I will come back to—but if you continue it, you are guaranteeing that those young men and women will continue to go out in the same posture they are going out today, without any resolution whatsoever of the fundamental political issues.

Now, I don't think that is very smart. It is plain not smart. Most Americans today get that. I heard the Senator from Minnesota and others come to the floor and say: What is driving this? Why now? Why are we doing this now, having this debate when we know that in September someone is going to make a report?

Well, I think the reverse is the question: Why are you waiting until September when you know what is happening today and you know the dynamic hasn't changed? Why do you send those troops out day after day on a mission you know cannot accomplish the goal and put them at risk without a mission that is achievable? Why do you sit here and say that somehow in September there is going to be a report that will change the dynamic, when we know not one benchmark has yet been met and you are talking about 6 weeks from now and we are losing 100 troops a month? What do you say to those families of the 100 who may be lost over the course of the next month: Gee, we were waiting for a report, even though we knew basically what the report would say. I don't think there is a colleague on the other side who doesn't hope the White House is going to start trying to pull back some troops in September. We have talked to generals and we have had Senators over there in the last weeks, and they have been told in certain regions they believe some troops can come home. So we are going to sit here and wait for a policy that will continue to put young soldiers at risk for a mission that is not going to change the fundamental dynamics.

Let me speak to that for a moment, the question of changing the fundamental dynamics in this mission. The escalation of troops in Iraq was supposed to be the precursor to the willingness of the Iraqi politicians to have the ''cover of security'' to be able to make certain kinds of decisions. I have to tell you that I think that thinking is fundamentally flawed. I think it is the other way around. I think if you want the people in your country to believe there is going to be some security, the political leadership has to stand up and make decisions that indicate there is a willingness to put the fundamental stakes in place that help create that security.

When we know we don't have enough troops there to secure every community, and you know there is this power struggle going on between these factions, you are not going to change those fundamentals by putting in a few troops here and a few there, melting down certain pockets of resistance that move, as they have, from Baghdad to Diyala, or Kirkuk, or to some other community, and you simply move the violence and the terror continues.

The politics has to change. There has been no indication whatsoever of the ability or willingness of Prime Minister Maliki, or the others who make up this Government, to make those fundamental decisions. What are we talking about? We are talking about an oil law. Is it that hard to sit down and decide how the revenues of the oil will be divided—by population, by community, by presence, by need? It hasn't happened. We have been promised month after month, oh, it is just around the corner, just about to happen. And it doesn't happen.

I have sat with some folks over there who have indicated to me that it is, in fact, the open-endedness of the presence of the United States that relieves the pressure. I have even heard that from some of our top U.S. diplomats who have been charged with the effort to negotiate, and they happily and gladly use the pressure of the Congress as a stick to try to leverage some of the transition we want.

But frankly, I have also heard them say that when the President and the administration stand up and say: We are there, don't worry about us, we are going to keep on doing this, they just back off because they don't think they have to listen to the Congress and they know they have this open-ended ability to play their game. It is that simple. That is what we are trying to change.

When I hear my colleagues on the other side of the aisle run through this list of red herrings, of straw men, it disappoints me, frankly, because we ought to have the real debate.

I have heard colleagues over there come with a map and say: You have Saudi Arabia here and Lebanon here, Israel here, and you have all of these interests and Iran. Iran is growing in its influence. Well, Iran has loved our presence in Iraq. Iran has grown in its influence because of what we have been doing in Iraq. We have empowered Iran. In fact, Iran doesn't want an Iraq that is completely disintegrated for a lot of different reasons. There are fundamental and profound differences between Iran and Iraq in the end, not the least of which is that Iran is Persian and Iraq is Arab. That Arab/Persian line existed long before the United States went there. Believe me, when we are not there, it will continue to exist and play out in influence with respect to the region.

You hear people say: This precipitous withdrawal. ''Precipitous'' is the favorite word of the other side. First, it is not a withdrawal; it is a redeployment.

Yes, some troops come home, absolutely, as they ought to, because there are limits to what American troops are able to do in the middle of a civil war. I ask my colleagues, go read the authorization we sent those troops to Iraq with. There isn't one mention of what is going on there today. There isn't even one mention that is active today. The authority we gave the President to use to send the troops there was related to Saddam Hussein, to weapons of mass destruction, to a whole series of things, none of which are applicable—not al-Qaida, incidentally. This is a war which has completely morphed into what it is today, without congressional authorization. But for the fact that the troops are there, the Congress wouldn't send them there for what they are doing today. Just because you are there is the last reason to be sending young Americans out to continue to put their lives in harm's way.

We hear this issue of precipitous. I guarantee you, in September, the President is going to start redeploying some troops. And well into next year, we all know we can't sustain the current level of deployment. Everybody knows that. Talk to the military; talk to the Pentagon. We can't sustain it. There is a looming, huge reality standing over the Senate which is the reality of the deployment schedule itself, that at the current levels of our Armed Forces, at the current rate of deployment, we are not able to sustain the numbers we have there well into next year without busting the Armed Forces completely. That doesn't seem to enter the debate, according to the other side.

This isn't sustainable beyond next year. We don't even move most of the troops out until beyond that period of time. So there is a complete logic to the date that has been chosen. It is not arbitrary. It was not picked out of the air, and no poll has set what is happening here. In fact, if you followed the polls, you wouldn't be in Iraq at all. That is not what we are suggesting.

We acknowledge that there are interests. Yes, there are interests in the region. Yes, there are interests we have with respect to our ally Israel. Yes, there are interests with respect to Lebanon. Yes, if we just up and walked away, al-Qaida would use that. But that is not what this debate is about or ought to be about. What we are talking about is, how do you best take the sacrifice and commitment of our troops and honor it with a policy that in fact can achieve what we want to achieve in the region?

It is the judgment of many of us, including some Republicans, that we have reached a point where you best achieve what we need to try to achieve in Iraq by this fundamental change in what our troops are there to do. What we are doing is changing the mission from a mission where we are proactively going out into the community, into homes, proactively engaged in doing what the Iraqis ought to, after 5 years, be doing for themselves.

The Prime Minister of Iraq himself has said that they are prepared to take over the security. The Prime Minister has said they don't need us there in the same way we are. The people of Iraq don't want us there in the numbers that we are there today. In fact, I think one of the things we ought to vote on in this authorization is whether there should be a plebiscite in Iraq. Let's ask the Iraqis in an open vote whether they want the United States to be there in the way we are there today. Let's do that. I am confident of what the outcome would be.

The fact is, we are talking about how you get from here to there, which is where we all want to be, with a sufficient level of stability so that Iran cannot have increasing influence the way it does, that Iraqis will be able to stop going down this spiraling downward course of violence which is consuming their society.

Most of the middle class of Iraq has now already moved out of Iraq. Much of the middle class is in Syria, Jordan, other communities. What has happened is, the very core that we relied on to achieve what we wanted to, because of the violence and because of the misjudgments, isn't there anymore. That even complicates matters more.

I heard the Senator from Minnesota say the other day that this is not an open-ended commitment that we have today. I don't know how it is not open-ended unless, of course, he knows that General Petraeus is going to recommend that we bring some troops back in September because in the absence of that, it is open-ended. There is nothing that says to the Iraqis: Something is going to happen if you don't do X, Y, or Z.

Last year, we heard Ambassador Khalilzad and then General Casey and General Abizaid say the Iraqis have about 6 months, and if they don't do the following things in the next 6 months, it is going to be really difficult. Guess what, Mr. President. We are a year beyond that now. We are 6 months beyond the 6 months. What happened? Nothing.

Mr. INHOFE. Will the Senator yield?

Mr. KERRY. For what purpose?

Mr. INHOFE. For a question.

Mr. KERRY. I am happy to yield for a question.

Mr. INHOFE. I understood that the junior Senator from Massachusetts referred to the NIE. I would like to ask a question because my interpretation was totally different. The NIE that was released yesterday states that worldwide counterterrorism efforts over the past 5 years have constrained the ability of al-Qaida to attack the homeland and have led terrorist groups to perceive the United States as a harder target to strike than on 9/11. It is a significant judgment that shows that our counterterrorism efforts have been working. It also notes that al-Qaida leadership continues to plot high-impact attacks, and the safe haven it enjoys along the Afghanistan-Pakistan border has likely increased its capabilities to attack the United States. This doesn't mean, as some erroneously reported last week, that al-Qaida is as strong as it was pre-9/11. It does mean that al-Qaida may be strong enough to carry out an attack on the United States.

The question I would ask, reading in context from the NIE, is, Do you agree with this interpretation?

Mr. KERRY. Mr. President, I agree with all but the last judgment that was made by the Senator. Any appropriate apolitical reading—and I am going over to read the full NIE, but I have read the public accounts of it and I have talked to some people about it. I would agree that, of course, we have done some hard work. Of course, it is more difficult to penetrate our country. Absolutely, one would hope. My God, after all the money we have spent, after the reorganization of Homeland Security, after what we have done at airports alone, let alone some of the efforts of the FBI and others with respect to foreign cooperation, of course, we have hardened. I don't question that.

Have we done even as much as I and others want to do? The answer is no. We have a lot of undone work with respect to chemical plants and nuclear facilities and ports and communities. Frankly, I would have had every bit of our baggage x-rayed and inspected. We put passengers through this incredible rigmarole, but you can put a piece of baggage on an airplane that hasn't gone through it. That is absurd. Not to mention our ports and the question of port security. We had a vote here not so long ago to guarantee that we upgrade our port security even more so that the containers that come in by the millions are more secure. There is a lot we can do still.

But, yes, we have hardened. I agree with that. Are we a tougher target today vis-a-vis al-Qaida than we were on September 11? Yes, we are a tougher target than we were on September 11. But that doesn't refute at all what has happened with respect to al-Qaida.

Al-Qaida was on the run. We had 1,000 al-Qaida in the mountains of Tora Bora within months after invading Afghanistan, which I voted for and supported and completely believed was the right thing to do—go in and take them down. But I will tell you, I have heard from four star generals that we ran a risk-averse policy with respect to the effort to go after al-Qaida in Afghanistan. When we had them surrounded in the mountains of Tora Bora, we didn't pull the trigger on the 10th Mountain Division or the 1st Marines or on the 101st Airborne, all of which were in the locality. We didn't use them. We outsourced the job going after the biggest criminal in American history. We outsourced the job to Afghan warlords who 1 week earlier had been on the other side fighting against us.

What happened, we all know. Al-Qaida escaped, went into the northwest

Pakistan territories where they have been reorganizing now for 4 years. What that intelligence report does tell us is that they are reconstituted, and they are exporting their lessons learned in Iraq to Afghanistan now, which has become far more fragile, far more of a challenge, and they are exporting it to Europe. If you talk to the authorities in Europe—Germany, in particular, but some other countries—there is an increase. That is where the center of al-Qaida is today, according to many people in the intelligence community. It is growing. That threat is a threat not just to the United States but a threat globally.

I continue to say—and I think the NIE is saying this to us—that al-Qaida as an entity is as strong today as it was on September 11. After almost $600 billion and over 4,000 lives and all of the turmoil we have created in Iraq because we are supposedly fighting them over there so we don't have to fight them here, there is no way to escape the fact, the reality that al-Qaida is in a better position to do whatever it wants to do, wherever it may be, including trying to attack us, notwithstanding our hardening.

It is a lot tougher to get into the United States today. It depends on where you come from. There are a lot fewer people from Middle Eastern and other Islamic connected countries who are getting visas to come into the United States. It is a lot tougher today. It should be; we understand that. The reality is that al-Qaida is a threat.

But let's come back to Iraq, which is the key. Al-Qaida wasn't in Iraq. The focus of this war was in Afghanistan and in other places. We shifted it to Iraq. We have put far more resources and far more personnel into Iraq, and Afghanistan is getting worse. I have talked to people who spend every day of their lives focused on defense and security issues who are unbelievably concerned about what is happening in Afghanistan as opposed to concern about what is happening to Iraq in terms of the threat to the United States.

I come back to the point I was making a moment ago, and that is that this remains open-ended fundamentally with respect to the demands on the Iraqis to live up to their obligations, whether they are the provincial elections or the constitutional challenges or the reconciliation process.

I met with Prime Minister Maliki earlier in the year. We talked about the reconciliation process. He sat there and said: Yes, we are going to meet tomorrow and the next day, and we are very confident about what is going to happen with the reconciliation. We are working at it.

I think the meeting was postponed. I think they held it a little later. They got together. Nothing happened. There has been no reconciliation. Everybody understands that we haven't been going forward with that.

The question before the Senate, the real question is, Are we going to be able to vote on something that is as critical as this without the parliamentary intercession? Let's let the chips fall where they may. That is the way we have approached the Defense authorization bill historically.

The other question behind that is the question of how do we best protect American interests in Iraq. There is a difference of opinion there. Many of us have come to believe that it is by setting a date for legitimate transformation of responsibility, that people's behavior will change. I have seen that historically. Essentially, to whatever degree one was able to try to give the Vietnamese an opportunity to be able to survive, it was because we transferred authority and responsibility. I remember that as long as the Americans were carrying the full weight out there doing whatever, nobody else felt they had to do any lifting.

These politicians in Iraq are not going to make fully sort of preservational choices until they are faced with the reality that they have to. As long as the U.S. security blanket is there, it protects them from actually having to come to grips with those choices. It empowers them to be able to play out whatever power struggle is going on with respect to one sect versus another, one region against another. So they can sit there and say: Well, within the next months, these guys are going to get wiped out, and my interests will be different than they are today. We believe that you have to change those perceptions of interest and you have to change them now.

In addition, there is nothing in this amendment that deprives the President or the Congress or the country of the ability to protect our interests in the region. Those interests, incidentally, we believe very deeply are being injured by the current policy. We are creating more terrorists. The CIA has told us that. We have even had reports that al-Qaida—the Osama bin Laden-al Zawahiri al-Qaida based in northwest Pakistan and Afghanistan—is using what is happening in Iraq as a recruitment tool, as a fundraising tool. It has become a magnet for jihadists. The way you deal with that is to be smarter than we are being today, which is diffuse the American presence, have surrogates legitimately doing what we are in the same interest. We ought to be demanding more of the surrounding communities but, frankly, they have lost confidence both in Maliki and this administration. The ability to do that is now much harder than it was.

We in this amendment do not withdraw all the troops from Iraq. Some people don't like this amendment because of that. There are some in the country who think it should just be done tomorrow. That is not what happens here. There is nothing precipitous about it at all. It begins a process that most people in the Senate know is probably going to begin in September, but it begins it with a clarity that begins to change the dynamics on the ground so you begin to best leverage the political transformation that needs to take place.

It does so in a way that leaves the President the discretion to be able to have troops necessary to complete the training of Iraqis. It leaves the President the discretion to have troops necessary to continue to prosecute al-Qaida. And it leaves the President the discretion to be able to have the troops necessary to protect American facilities and forces.

Five years—going into the sixth year—of this war, that is a recipe for transforming America's presence there, for transforming Iraqi responsibility, and for achieving the political settlement that is absolutely unachievable as long as there is simply the kind of military commitment that has been on the table to now. To date, the administration has not shown anybody what their route is, what their path is, for the kind of political settlement that seems to escape them every time they make the promise.

The fact is that the way the troops—I feel this as strongly as I feel anything. I remember personally, when I thought a policy was not working very well, how we wished that people were responding to the realities of what was going on on the ground, and that we wanted people in Washington to be more thoughtful and knowledgeable about what the dynamics were on the ground.

I think the same is true of our troops over there, who are committed to achieving what they can, but who also—and I have talked to many of them—feel as though they are trying to put a square peg in a round hole, that they do not have the right tools and the right dynamic to be able to accomplish what needs to be done.

So I say to my colleagues if you know what you are doing is not working, if you know what you are doing is counterproductive, if you know what you are doing is, in fact, working against your ability to most effectively prosecute the war on terror, if you know what you are doing is creating casualties out of missions that do not accomplish your ultimate goal—which is providing the security that allows the transformation of the politics; and there is no indication the politics are about to follow—if you know, in fact, you have strengthened one of the primary entities you are concerned about in the region—Iran—if you know you have lost ground with respect to Hamas and Hezbollah—because you have been focused elsewhere and not leveraging what needs to be done there—if you know so many interests of your country are being set back, you ought to change your policy.

You do not just change it on the military front. In the face of the advice of our own generals that there is no military solution, you have to change it on the political and diplomatic front. This amendment has a very significant,

leveraged, diplomatic approach, where it requires a very significant effort, where it has been lacking. And believe me, I have gone over there enough and talked to enough people to understand the degree to which it is lacking. It is critical we leverage that kind of behavior.

So I hope we are going to—in the debate, we ought to have a real debate. I have heard colleagues on the other side talk about a recipe for defeat. If we continue down the road we are going now, we are setting ourselves up to empower al-Qaida even more. If we continue down the road we are going now—without the political resolution, without legitimate leverage in the region that is more reasonable, and without the transfer of legitimate responsibility and accountability to the Iraqis—then we are going to have more American soldier casualties, we are going to stay in the same position we are in today, and a month from now, 2 months from now, 6 months from now, the judgments we are going to be called on to make will be exactly the same as they are today, only worse, because more time will have been spent, because opportunities will have been wasted, and because the opposition will have been empowered even further.

That is what the choice is for all of us here. I hope we are going to have sort of a real debate. It is legitimate you might differ over whether a particular move is going to accomplish what you set out to do, but please do not debate something that is not on the floor.

This is not a precipitous withdrawal. It does not abandon our interests. It addresses our interests in a different way. It redeploys our troops. It keeps a significant presence, not just there but in the region.

We have troops in Bahrain. We have troops in the gulf. We have troops in other parts of that region, in Kuwait. The fact is, America has the ability to protect its interests vis-a-vis Iran. None of us wants to see chaos in the long term, but there is chaos that is growing on a daily basis, worse and worse, as a consequence of our presence. If we have not learned that lesson by now, then we have learned precious little at all.

I hope we will have the real debate we deserve as we go forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Utah.

Mr. HATCH. Mr. President, I am extremely interested in the comments of the distinguished junior Senator from Massachusetts. I do not agree with much of what he said, and maybe I can comment about some of the disagreements as I make my remarks this morning. I will begin by saying that on Iraq, absquatulation is not a policy.

Today we face a growing movement for the political abandonment of the will to success in the biggest conflict we face in the whole 21st century. There are handfuls of people in pink wandering the hallways here, and the party in the majority claims a growing groundswell to abandon the fight in the midst of the battle.

These are perilous times, and the political class of this country is divided among those who desperately want to raise the white flag, those who are fleeing to the tall grasses, and a beleaguered administration, beleaguered in part—and let us be honest at a time when generosity would be misplaced—by many of its own spectacular mistakes.

I hear from constituents who are worried—very worried—about the war in Iraq. But Utahns are stalwart in character. Not all of them support the President's policy, and not all of them support me, to be sure. But I think I am being honest to suggest that the vast majority of my constituents are as worried by the prospects of a U.S. unilateral withdrawal as they are by the challenges we face in the middle of a battle whose end many of my colleagues no longer have the patience to imagine, pursue, or achieve.

Such abandonment is not an option for our forces in Iraq.

I gave a speech on this floor several months ago where I said I was not going to concede to the Democrats' strategy of unilateral withdrawal. I pointed out the irony that the Democrats' legitimate criticism of this administration's policy—that the Bush administration went into Iraq unprepared for the consequences, and without imagining the requirements of the day after we toppled Saddam—was, in fact, being repeated by the Democrats who now advocate a withdrawal without preparing for the consequences, and with no consideration of what will happen in Iraq, the region, and the world after we decamp. I find this bitterly ironic.

While I agree with many of the criticisms of this administration's early failures in the Iraq war, I will not stand quietly against the irony—indeed, the hypocrisy—of suggestions that it is OK to abandon a war without considering the consequences, but damnable to begin one in the same manner.

In the months since I spoke on this floor, where I gave my qualified support for the surge, I have listened carefully to the debate on and off the floor. I have talked to my colleagues, to administration officials, to constituents and friends, here and abroad. I have read the intelligence on the prospects for Iraq and the currents in the region. I have traveled to Iraq, and I have traveled in the region.

I am a member of the Intelligence Committee, perhaps with the longest tenure in the history of the Senate on the Intelligence Committee, and I do not find things to be as my colleagues on the other side assert.

Nowhere have I found a silver lining to these clouds of conflict. But nowhere have I heard anyone say the clouds are less dark on the horizon.

The three major problems I am most concerned about—the al-Qaida problem, the Iran problem, and the moral and practical costs of abandoning the moderate Iraqis—have not been addressed in any substantive way in any of the policy prescriptions I have studied. If the majority wants to decamp, they need to propose a policy context that makes the United States safer on the day after, not more in peril.

There is an al-Qaida problem.

In May, I went to Ramadi. I was briefed on our base by General Gaskin, and then we suited up to go for a walk in the town center. He was with us, and walked with us in that town center. That is correct, we had to suit up in armor for a walk downtown. This was no Sunday stroll for ice cream. But two facts were obvious: One, 6 months before we strolled through those downtown streets, Ramadi was al-Qaida's capital in Anbar Province and Iraq. On that day, 2 months ago, it was the local Sunnis' capital again. And, two, the local Iraqis I saw and met in Ramadi were happy to see us there. Had we walked down those same streets 2 months ago, we would have been killed.

However you want to criticize the administration for its past errors, we now have a workable counterinsurgency plan in operation. It is working in Anbar, and al-Qaida is on the defensive.

Are they moving out to other places? We are. Are we following them, using the counterinsurgency tactics we have finally mastered? We are. Are we going to abandon the field we have learned to dominate? You tell me. And we will abandon that field in this very Chamber if we keep following what is being spoken to on the other side.

Here is what I learned about our successful counterinsurgency campaign from General Gaskin. Al-Qaida declared Ramadi the capital city of the Islamic State of Iraq. There were no police in Ramadi last year. Al-Qaida in Iraq, or AQI, as we refer to it, had destroyed all the police in the city. Starting in mid-February, the coalition cleared the downtown in about 6 weeks. There were approximately 15,000 to 20,000 members of al-Qaida in Anbar initially. Now, about half of them are dead. Others are still trying to discredit the Government of Iraq and discredit the occupation. They represent us as occupiers, infidels, if you will. They advance their goals with brutal methods. All of their financing comes from criminal enterprises. Al-Qaida is very cellular, decentralized, but resilient and regenerative. They are self-sufficient, funding themselves through criminal activities—murder, intimidation, the black market.

We have finally learned to deal with the Sunni tribes. It took us too long to understand the tribes, but al-Qaida did not understand the tribal culture either. Al-Qaida's intimidation activities and murder of families—including young boys—enraged the local tribes and tribal leaders. The tribes' response was their realization that the expanded coalition presence was a chance to get al-Qaida out of their lives, and they

came to a mutual understanding with coalition forces, sending 1,200 of their boys for enlistment in the security forces in 1 day.

That was a turnaround. I was there with Senator SMITH approximately a year before then. There was no chance at all in that province. But because of the counterinsurgency, we have made tremendous strides, and they are completely ignored by some here in this Chamber.

But the local population in Ramadi and al-Anbar has helped find two-thirds of the IEDs in this area. We have promoted the development of a neighborhood watch system there. Once you clear, you must leave a security presence with coalition support. The locals will not give you intel if you do not leave a permanent presence to provide security. In the words of General Gaskin: We are asking the Iraqis to gain capacity while they are at war. This is very unusual, and it is very difficult.

In counterinsurgency, the most important thing is how well you protect the population, and what the level of violence is. We are making progress in al-Anbar. Are we going to abandon this progress? As General Gaskin put it: It's like someone tells you the ship that you're on is on fire. You jump off, but halfway down you discover that it wasn't on fire after all. You still have to deal with your decision to jump: Either swim or drown.

As I have said, I am not in favor of jumping ship, but for those who are, the question is: What are we going to do? Swim or drown?

Last month, two analysts for the Radio Free Iraq service of Radio Free Europe/Radio Liberty released a compelling report entitled ''Iraqi Insurgency Media: The War of Images and Ideas.''

In addition to cataloging the impressive degree to which the Iraqi Sunni insurgency is using the Internet to purvey a constant stream of images, propaganda, songs, and other images that glorify the fight against the coalition, this report makes clear that this barrage of insurgent media is feeding the global extremist network.

According to the report:

> The Iraqi insurgent media network is a boon to global jihadist media, which can use materials produced by the insurgency to reinforce their message.

The images of our precipitous withdrawal will be broadcast endlessly, to inspire and incite extremists throughout the world.

In fact, if you talk to the analysts who monitor insurgent media, you learn that there are two prevalent themes today. The insurgents, including al-Qaida, are very media savvy, and they are avid consumers of Western and American media. They watch our floor debates. It is a common theme for them today to declare that we will withdraw. In our withdrawal, they see victory.

If we abandon the counterinsurgency gains we have made, al-Qaida will not only declare global victory and vindication, they will attempt to reclaim the territory in Iraq. And don't think anything otherwise.

Nowhere have I seen policy prescriptions from the other side or anywhere else, for that matter, other than the counterinsurgency and the work that is going on right now to address this problem.

We cannot fight al-Qaida from across the border. And to suggest we can protect all our interests by being in the little country of Kuwait is absurd. We cannot fight al-Qaida and ignore Baghdad. And we cannot walk away from this fight with al-Qaida.

For those who want to withdraw without a policy prescription, all I can say is, you may no longer be interested in al-Qaida in Iraq, but al-Qaida is interested in the United States, and always has been.

Let's talk about the Iran problem. My colleague from Massachusetts mentioned this as though it is not a problem. I am sure he did not mean that. If you watch the Sunni insurgency media, you also determine an even more prominent theme. They assume, based on watching our media, that we will abandon the cause. And they declare an even bigger threat is Iran. Nowhere have I read of a compelling policy prescription to answer the question of how we will deal with Iran in the aftermath of a withdrawal. Iran is competing with the United States in the region. We are getting unclassified briefs from Multi-National Force in Iraq officers identifying the Iranian agents' role in supporting militias and funding explosively-formed penetrators EFPs, if you will—networks, which target the coalition.

Iran is playing a dangerous game, not because they solicit an armed reaction from us—which they calculate will not occur—but they are carefully stoking sectarian and anticoalition conflict, while taking advantage of the relative security our military presence provides.

What is our policy toward Iran should we decide to follow the prescription to abandon the fight in Iraq? All I have read is a hopeful repetition of the desire for a diplomatic solution. I always hope for a diplomatic solution. That is always a nice weasel way of hoping we can get out of these problems. I also hope to balance the budget, and I hope to cure AIDS. We are not making much headway in those, either.

This will not happen based on hope alone, however.

Those who think we can split from Iraq in the middle of the conflict and deal with Iran with a Tehran tea party are not just hopeful, they are delusional. Iran is a totalitarian regime in desperate economic circumstances and desperate economic condition. There have been riots over gas-rationing in a nation awash—or should I say rich—in oil.

The population has suffered two generations of economic decline—in a nation rich in oil. The rich Persian culture has suffered the spectacular mismanagement of a corrupt and despotic regime.

Just several days ago, the Open Source Center provided an analysis of Iran's treatment of its labor unions. I quote:

> The abduction of the head of Tehran's transport workers' union is the latest sign of the antagonism shown President Ahmadinejad's government toward trade unions and other civil society institutions. On April 11 it shut down the Iranian Labor News Agency, which often reported on labor discontent arising from Iran's economic failures as well as on student unrest and human rights abuses. Mahumd Osanlu, head of the Workers' Syndicate of the Tehran and Suburban Bus Company, has not been heard from since he was beaten and abducted on July 10 by plainclothesmen, presumably from the government.

Do I need to remind my colleagues that Ahmadinejad ran on a platform of helping the lower classes? This is the face of a corrupt and failing regime that is causing havoc all over the Middle East. Just ask the people in Lebanon, if you want to, but you can also ask the people in Iraq.

We are spending about $100 billion a year providing various degrees of stability through most of Iraq, stability on Iran's border. If we leave, there will be great instability. How will Iran react? My friend from Massachusetts seems to think they are not going to do one little thing. Once we leave, everything is going to stabilize and it is all going to be just wonderful. I don't think he quite went that far, but he basically said Iran is not going to do much. But do we have a policy in place that will seek to advance our goals of containing the Iranian threat, or is the policy of withdrawal hinging simply on the desperate desire for diplomacy with despots?

There are moral and practical costs of abandoning the moderates in Iraq. I disagree with the distinguished Senator from Massachusetts. There are plenty of moderates. There are plenty of the middle class in Iraq. Large areas of Iraq are not in turmoil. Large areas of Iraq are, but there are plenty of people living there who want this country to work. Eighty percent of them voted for freedom and voted for a representative form of government.

What are the consequences for the moderates of Iraq if we withdraw? There are, in fact, many moderates, many Iraqis intermarried between faiths, many Iraqis who are urban professionals, many Iraqi women are educated, in contrast to what the al-Qaida people and the Taliban people would do to women. All of these are attributes of the moderate masses who are today intimidated by the insurgents, by gangsters and terrorists, and who are currently failed by Iraqi politicians.

Nonetheless, they are there in significant numbers. They will suffer immensely in the chaos that will follow our withdrawal.

If we believe that a principal key to addressing the sources of discontent

that fuels violent extremism in the Muslim world was the empowerment of the moderate classes seeking modern civil society, our abandonment of the cause in Iraq will do more than fuel the ferocious violence of al-Qaida, the deadly competition fomented by Iran; it will seal our ability to appeal to the moderate Muslim elements throughout the world, to build civic culture in autocratic societies. Our natural allies in these societies—the young and the educated, the professional, the women seeking to escape the oppression of the veil—will not respond to our entreaties because they will have seen that the United States does not continue to stand with its allies. They will see the images of our withdrawal. They will see the self-satisfied propaganda of the insurgents and al-Qaida, and they will be afraid to be with us.

I fear they will see images of the slaughter of innocents.

They will go back into the shadows, and the shadows of autocracy or, even worse, Islamic fascism will grow. We will have squandered not just the good will of our natural allies—those who want to modernize into peaceful and productive societies—but we will have squandered the faith of hundreds of millions throughout the world who will see no reason to stand by or with us. Whom will we blame for the slaughter of moderates, and whom will we turn to the next time we seek allies in the Middle East?

Should those who advocate withdrawal today succeed in their ill-conceived attempt to run away from reality, reality will not let us escape. Without a policy to fight al-Qaida in Iraq, to compete with an unstable and adventurous Iran, and to prevent the slaughter of Iraqi innocents on a scale much greater than we see today, a withdrawal will be calamitous.

The consequences on our ability to conduct foreign policy, to win the war on terror, and to advance our values of democracy and peace will be immense.

After the capitulation driven by congressional Democrats that led to our abandonment of Vietnam in the 1970s, the Soviets became emboldened and advanced throughout what was known then as the Third World—in Angola, Central America, and Afghanistan. We regained our footing in a decade, and we won the Cold War because we found our will. Without a strategy to accompany the policy of withdrawal, the consequences—an emboldened al-Qaida, aggressive Iran, and intimidated, harassed, and slaughtered Iraqi moderates—will haunt us much longer than after our Vietnam withdrawal. After all, the Vietnamese did not threaten our country. They did not threaten our mainland. These people have, and these people continue to threaten our mainland. These people continue to say, as was said just a week ago, that they are going to cause havoc over here.

I am 73 years old, and I fear that should we concede to the powerful call for withdrawal without a sound policy, the harm to this Nation will last longer than I have years to live.

The senior Senator from Arizona, Mr. MCCAIN, whom I hold in high esteem, quoted General Petraeus earlier, saying that of all the resources General Petraeus could have, the one he wanted most was time. The one he wanted most was time. This is a very important point, and I commend the distinguished Senator from Arizona for making it.

Many people today believe that whatever the outcome this month, we have set a deadline for September. I say: Any progress achieved by September will be incremental, at best. Counterinsurgencies can be won, but they will not be won on a congressional election cycle. We should not be so arrogant as to presume we can make them fit into such an absurd construct. Let us be honest and admit that if we want to sustain the fight in Iraq, we should give it much longer than a September deadline. Perhaps in a year, perhaps in two, we can see a success, but for this, we need more than time. We need will. That is what I see evaporating around all of us here in the Senate.

The majority is waving the flag of withdrawal. There is no accompanying policy to shape the way the geopolitical environment will be affected. Our enemies will be emboldened, our competitors encouraged, and our friends throughout the region will be like me: discouraged.

Mr. President, the distinguished Senator from Massachusetts has said we are not talking withdrawal; we are talking a redeployment. Who is he kidding? We are going to leave a small contingency there to do exactly what Secretary Rumsfeld was doing, with an emboldened al-Qaida? Come on. I think they are ignoring the fact that the al-Qaida people have said they are going to establish a worldwide caliphate and impose their will on everybody—especially us.

One thing I would just like to say is they have piled into Iraq. They were there before, in spite of what the distinguished Senator has said. Maybe not in as great numbers; of course not, but they have piled into Iraq knowing that if they defeat us there and we turn tail and run for the high grasses, they will have accomplished something they didn't even dream they could accomplish 5 years ago.

This is not a simple war. This is not a war against another nation. It is not a war where people on the other side wear uniforms. It is a war where they commit terror all over the world. It is a war where they have threatened us. It a war where they kill innocent human beings. It is a war where they don't think anything of sending their young people strapped with bombs to blow themselves up, to maim and kill innocent civilians.

If we do what our friends on the other side want to do, our enemies will be emboldened, our competitors encouraged, and our friends throughout the world will lose an awful lot of faith and confidence in the United States of America.

Mr. President, absquatulation is not a policy.

I yield the floor.

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

Mr. WHITEHOUSE. Good morning. Not long ago, a woman who lives in Pawtucket, RI, wrote me:

> I care about the human spirit, which I think is deeply wounded by our occupation in Iraq. I have three friends serving this country because they believe it is their duty. I believe it is your duty to bring them home. I beg you for an end to this war.

She is not just a lone voice from one State. All over this country, Americans call for an end to this war. At the grocery store, around the kitchen table, and in places of worship, Americans are sharing their frustration and outrage at a President who refuses to listen, refuses to admit mistakes and misjudgments, and stubbornly refuses to change course.

The amendment sponsored by my distinguished senior Senator, JACK REED of Rhode Island, and the honorable chairman of the Armed Services Committee, CARL LEVIN of Michigan, would require a redeployment of American troops to begin within 120 days of enactment. It sets a reasonable, responsible goal: that the redeployment be completed by April 30 of next year—2008.

Let us be clear: the Levin-Reed amendment offers a new direction in Iraq.

A vote for the Levin-Reed amendment is a vote to support our troops and their families who are bearing the burden of repeated deployments, long separation, and sometimes debilitating injury, and they bear it with courage, fortitude, and honor. This measure supports them by bringing the troops home safely and with honor.

A vote for the Levin-Reed amendment is a vote that will help give our military the time and the resources to rebuild and recover from the strain on our troops and equipment.

A vote for the Levin-Reed amendment opens strategic doors to renew diplomacy in the Middle East and throughout the world and to begin restoring America's standing, prestige, and good will in the global community.

More and more of our colleagues in this body recognize the need for this new direction. Many of those who supported the war in the past have now said they can no longer support President Bush in his failed and misguided course in Iraq. But I say to my friends, when the issue before us is our single most important matter of foreign policy and national security, words alone are not enough.

When our Nation's course has been as misdirected and mismanaged as it has been, words alone are not enough.

When, in the face of this policy's failure and the resulting chaos in Iraq,

corrective action is called for, words are not enough.

And when the opportunity for that correction is within our reach, within our grasp, if only we would seize it, mere words are not enough.

This is a day when we are called upon to act. The question before us is simple: Are you in favor of bringing our troops home? That is a serious question, and it demands serious, reasoned, and thoughtful debate.

I was recently struck by words spoken in this Chamber by Senator RICHARD LUGAR of Indiana. Senator LUGAR's words imparted a thoughtfulness that too long has been missing from this debate. Too often, this administration communicates not with reason but with slogans and sound bites: ''Stay the course.'' ''Support the troops.'' ''Global war on terror.'' ''Cut and run.'' ''Precipitous withdrawal.'' I say to anyone watching this debate: When you hear those words coming from this Chamber, I hope an alarm bell goes off in your head, a signal that thinking and reason have ended and sloganeering has begun. You deserve better.

In May of 2003, President Bush landed on the aircraft carrier USS *Abraham Lincoln* and said this:

> Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed.

In the background, of course, was the banner that read: ''Mission Accomplished.''

Then, over a year ago, in June 2006, President Bush announced Operation Together Forward, a ''joint effort to restore security and rule of law to high-risk areas in the capital city'' of Baghdad.

Then, this January, the President said he would send tens of thousands more troops there, part of a surge to try yet again to secure Iraq's capital.

The months since President Bush's surge have been among the deadliest of the war. Nearly 600 U.S. soldiers have died since the announcement of the surge, and over 3,500 have been wounded. Last month, more than 100 American servicemembers died in Iraq. The month before that, more than 100 American troops lost their lives. The month before that, April of this year, over 100 American deaths. Between February 10 and May 7 of this year, the Pentagon reports U.S. forces sustained an average of 25 casualties each day—more than during that time in the previous year.

Alasdair Campbell, the U.K.'s outgoing Defense Attache at its Baghdad Embassy, said in May:

> The evidence does not suggest that the surge is actually working, if reduction in casualties is a criterion.

The Pentagon's survey found that, on average, more than 100 Iraqi civilians were killed or wounded each day between February and May—nearly double the daily total from the same period 1 year ago.

The number of unidentified murdered bodies found in Baghdad soared 70 percent during the month of May—726, compared to 411 in April. At least 21 unidentified murdered bodies were found in Baghdad just this past weekend. The displacement of Iraqi civilians has continued throughout the spring—90,000 Iraqis per month in March, April, and May of 2007, according to the Brookings monthly Iraq Index. The average weekly number of attacks across Iraq surpassed 1,000, compared to about 600 weekly attacks for the same period 1 year ago. More than 75 percent of the attacks were aimed at U.S. forces.

In an interview with the Washington Post in June, retired general Barry McCaffrey said:

> Why would we think that a temporary presence of 30,000 additional combat troops in a giant city would change the dynamics of a bitter civil war?

In a survey taken in February and March of this year, 53 percent of Iraqis viewed their security environment as ''bad or very bad,'' and even in that environment, 78 percent of Iraqis, in an ABC News study, do not support having American or coalition forces in their country. Only 18 percent have confidence in U.S. and coalition troops, the BBC has reported, and 51 percent approve of attacking our forces.

David Kilcullen, General Petraeus's top counterinsurgency adviser, said last month:

> We haven't turned the tide. We haven't turned the corner. There isn't light at the end of the tunnel.

We will not turn the tide, we will not turn the corner, and there will be no light at the end of the tunnel until this administration makes it clear that our intent is to withdraw our forces rapidly and responsibly.

The other side argues that to dispute this President's judgment is to fail to support the troops, even though that very judgment has catastrophically failed the troops and our country.

I traveled to Iraq in March, in my capacity as a new member of the Senate Intelligence Committee, to get a first-hand look. I met brave Rhode Islanders in Fallujah and at a medical center where Rhode Islanders are helping provide care to our wounded soldiers. They, like all our troops in Iraq, are serving our Nation with dedication, courage, and honor. Our troops are working so hard and accomplishing so much, but this administration has not given them the support they need—not in the field of battle, not when they return home, and, most importantly, not with wisdom to match their bravery.

As I traveled around Rhode Island in the last few years I met mothers who felt they had to buy body armor for their sons who were being shipped to Iraq because they could not trust this administration to provide it.

Just this week, USA Today reported extensively on the Pentagon's failure to address the Marines' request for Mine Resistant Ambush Protection—or MRAP—vehicles.

In February, a series of articles in the Washington Post highlighted shortfalls in the care and treatment of our wounded warriors at the Walter Reed Army hospital. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical equipment, rundown facilities, and bureaucratic snafus.

This administration says we need to support the troops. I agree. We can support the troops by ensuring that they have the equipment, resources, and protection they need—and by caring for them when they return home. We can also support them with wise strategies arising from honest debate.

The President says Iraq is part of a vast ''global war on terror'' and that remaining mired in a conflict there is critical to our national security. But the war in Iraq has made us less, not more, secure. The way to reverse this trend is to redeploy our troops out of Iraq.

After our country has expended over $450 billion and lost more than 3,600 American lives, according to the unclassified key judgments of the National Intelligence Estimate released yesterday, al-Qaida and other Islamist terrorist groups remain undiminished in their intent to attack the United States and continue to adapt and improve their capabilities.

While the Bush administration wallows in Iraq, al-Qaida has protected sanctuary along the border between Afghanistan and Pakistan, again according to the unclassified key judgments of the NIE.

National Intelligence Director Mike McConnell told the Senate Armed Services Committee that he believes a successful attack by al-Qaida would most likely be planned and come out of the group's locations in Pakistan, not Iraq. Al-Qaida, the perpetrators of the September 11 terrorist attacks on the United States, remains a significant threat to our country and our national security, and 4 years of war in Iraq has not changed that fact.

President Bush and his diehard allies say that what we and the American people support is cut-and-run or a precipitous withdrawal.

The Levin-Reed amendment requires that we begin redeploying American troops from Iraq 4 months after the measure is enacted—not 4 days, not 4 weeks, but 4 months. Surely, with the greatest military in the world, we have the capacity to plan in 4 months to begin a redeployment of our troops. In fact, I would be surprised and concerned if our military were not already planning for such a contingency.

Then, the Levin-Reed amendment sets a date for redeployment of April 30, 2008. If this amendment became law tomorrow, that would give our military and this administration more than 9 months to plan and implement our troops' redeployment—a redeployment that leaves a military presence for force protection, training, and

counterterrorism in Iraq. Is that truly a precipitous withdrawal? It is not. Those who say it is are not being straightforward with the Senate and with the American people.

Let me say this, because it is one of the elements of this issue which President Bush has completely and willfully overlooked: The time it will take for us to redeploy should not be idle or wasted time; it must be a time of great energy and effort, because it is our time of opportunity to begin the tough process of diplomacy that can help stabilize the Middle East and restore America's standing and prestige around the world.

It is a window of time in which we must aggressively engage the region and the world community in the ongoing work to rebuild Iraq and restore stability there, in which we can confound the insurgents who foment civil war from within Iraq and the global jihadists who import violence from without it. It is a window in which Iraq's political leaders can be motivated to work for cooperation, unity, and real progress.

In a recent op-ed in the Washington Post, former Secretary of State Henry Kissinger described the reality that the cauldron of Iraq may overflow and engulf the region. He goes on to say that:

> The continuation of Iraq's current crisis presents all of Iraq's neighbors with mounting problems. . . . Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to be a satellite of Iran. The various Gulf sheikdoms, the largest of which is Kuwait, find themselves in an even more threatened position. Their interest is to help calm the Iraq turmoil and avert Iranian domination of the region.

Then he says that:

> Given a wise and determined American diplomacy, even Iran may be brought to conclude that the risks of continued turmoil outweigh the temptations before it.

But make no mistake, as long as we occupy Iraq, the broader international engagement we need will remain elusive. With the announcement of a U.S. redeployment, Iraq's neighbors must face the prospect that the Iraq cauldron may overflow, and they will, therefore, be obliged to take a more helpful—in the case of Saudi Arabia—or a more tempered—in the case of Iran—role in the area's future. They will have no other practical choice because their own national interests will now be squarely on the line.

As ADM William J. Fallon has said:

> I see an awful lot of sitting and watching by countries in the neighborhood. It is high time that changed.

Well, it is high time that changed, but our mediate and buffering military presence prevents that from changing.

A redeployment will also deprive the insurgents of a strong recruiting tool—the al-Qaida narrative that the United States has imperial designs over Muslim lands, which resonates strongly in the Middle East due to their own colonial experiences with the British and the Ottomans.

If we make it clear that our troops are coming home—and, critically important, that we are not leaving permanent bases behind—the insurgents and terror networks will lose this defining argument.

The Bush administration and its supporters noted that the Sunni sheiks of Anbar Province have recently turned against al-Qaida in Iraq. When I met with Marine commanders in Fallujah during my trip to Iraq in March, they told me the same thing—and what an important and exciting development that was.

The marine general briefing us made clear that these Sunni sheiks turned against al-Qaida in the realization that the United States would not be in Iraq forever, thanks to the political debate this Congress has insisted on since the November election. It was the prospect of our redeployment that moved them to action.

Once all factions in Iraq must face the naked consequences of their actions, we should hope, and expect, to see similar moments of strategic clarity emerge.

How are they doing without that pressure? Last week, we saw a report from the White House that was deeply troubling. The report said that it has become significantly harder for Iraqi leaders to make the difficult compromises necessary to foster reconciliation.

In particular, the administration has focused on four objectives: provincial elections, deBaathification, constitutional reform, and the hydrocarbons law. These are the exact same issues U.S. and Iraqi military leaders stressed to us during our trip in March. Without progress in these areas, I was told by our generals, our military tactics would not succeed in accomplishing the ultimate goal.

It would be putting it mildly to say I was not reassured by the signals I received from our meetings with Iraqi officials. There was a severe disconnect between the urgency of our generals about this legislation and the absence of equivalent urgency, or even energy, on the part of Iraqi officials. One American soldier I met put it in plain, homespun terms:

> If your parents are willing to pay for the movies so you don't have to use your own money, or if you can get your big sister to do your homework for you, who wants to give that up?

Well, Mr. President, it is time. To quote the report:

> 1, the government of Iraq has not made satisfactory progress toward enacting and implementing legislation on de-Baathification reform. This is among the most divisive political issues for Iraq and compromise will be extremely difficult.
>
> 2, the current status [of efforts to enact hydrocarbon legislation] is unsatisfactory. The government of Iraq has not met its self-imposed goal of May 31 for submitting the framework hydrocarbon revenue-sharing laws.
>
> 3, the government of Iraq has not made satisfactory progress toward establishing a provincial election law.
>
> 4, the government of Iraq has not made satisfactory progress toward establishing a date for provincial elections. Legislation required for setting the date has not been enacted.
>
> 5, the government of Iraq has not made satisfactory progress toward establishing provincial council authorities.

So how does the administration respond to the list of unsatisfactory progress on their key elements? Let's turn again to the White House report:

De-Baathification:

> This does not, however, necessitate a revision to the current plan and strategy.

Hydrocarbon legislation:

> This does not, however, necessitate a revision to our current plan and strategy.

Provincial elections.

> However, at this time, this does not necessitate a revision to our current plan and strategy.

It is clear that the Iraqis have not yet made that progress. Yet this President and this administration refuse to take the one step that could truly galvanize real change in Iraq—announcing a redeployment of American forces. They must look into the abyss. We must announce that we will redeploy our troops. This is a necessary step.

A redeployment of our troops creates the potential to change the overarching dynamic for the better, freeing us to focus more effectively on strategies to counter al-Qaida and stabilize the region.

This is a critical step, and thoughtful, reasoned political and diplomatic leadership will be essential to take advantage of the new dynamic a redeployment offers.

This is a positive step, to improve our posture and advance our strategic interests.

I know my Republican colleagues wish to couch this change of course in terms of failure and abandonment. Whether this is just for rhetorical advantage, or whether they just cannot see redeployment as a calibrated part of a new and more promising regional strategy, I do not know. Let me say this, though. This is not a test of resolve. We have an enormously complex problem, a problem we have tried to solve by military force alone. Despite heroic efforts by our military, that strategy has failed—catastrophically. It did not fail because anything was lacking in our troops, it failed because the strategy was wrong—wrong at its inception, wrong in its execution, and wrong now.

We in the Senate must challenge the administration to summon the political courage and the moral courage to face the fact that the strategy was wrong and needs to change. It is never easy to admit mistakes, but when the lives of our troops and the strategic position of our country are at stake, they have to do what is right, not what is politically comfortable or fits the rhetoric. This should not be too much to ask of a President of the United States.

If, as so many believe, we are on a continuing collision course with the

facts, with the lessons of history; if our strategy is, in fact, ill-advised; if we indeed are creating and maintaining a poisonous dynamic in the region for ourselves, can we not at least consider that redeployment—specifically, the credible threat of redeployment—can open new doors for resolving the civil conflicts over which we are now the unwelcome police?

The measure now before the Senate sets forth a thoughtful, responsible path to redeploy our troops out of Iraq. It provides our military commanders with the time and resources they need to redeploy our troops safely. It will focus Iraq's political leaders on making progress, where, to put it mildly, thus far insufficient progress has been made on measures critical to their nation's future and our success. And it will galvanize the international community and the region in the practical and self-interested pursuit—or acceptance—of a more stable, more secure Iraq.

The Levin-Reed amendment is the new direction Americans have called for. It is the change of course we desperately need. In a few hours, this long debate, this long night, will draw to a close. I urge my colleagues to let us vote up or down, yes or no, on the new direction the Levin-Reed amendment embodies.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Simply put, we need to avoid micromanaging the war from the floor of the Senate. We need to let our military leaders perform their duties and give them time for our new way forward in Iraq to be successful. We now have before us the Levin-Reed amendment, which sets a timeline for us to begin withdrawal from Iraq. We cannot afford to set a hard deadline to begin to walk away from Iraq. The cost of failure is too great to our future long-term national security. It is in America's security interest to have an Iraq that can sustain, govern, and defend itself. Too much is at stake to simply abandon Iraq at this point. The price of failure is simply too great.

I will continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq, and I plead with my colleagues to do the same.

Let me remind our colleagues that we have seen terrible results from political motives being placed above military necessities: the attempt at rescuing the American Embassy hostages from Tehran, and Beirut, in the 1980s, and Somalia in the 1990s. Leaving Iraq in the current situation would only result in emboldening terrorists around the world. Bin Laden himself is on record, after these previous withdrawals, criticizing our lack of will and questioning our commitment to fight these zealots. We have to learn from our mistakes in the past.

I refer to a quote in the Iraq Study Group's final report on page 37 and 38:

> A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.

It goes on to say:

> 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. If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

Of course, I remain upset that more progress has not been made on the political and domestic security front within Iraq, but that reality doesn't diminish the fact that al-Qaida is training, operating, and carrying out their mission in Iraq right now. They are clearly still a threat and are still determined to accomplish their goals of attacking us and our allies around the world. What is most unfortunate about this debate is that clearly the majority party in the Senate has already prejudged the work our commander in Iraq, GEN David Petraeus, is trying to carry out. 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 discontinue the plans our military leaders have planned and are putting into place simply for political gain.

I quote General Petraeus, commander of the multinational force in Iraq. He said:

> If I could have only one [thing] at this point in Iraq, it would be more time. I can think of few commanders in history who wouldn't have wanted more troops, more time, or more unity among their partners; however, if I could only have one [thing] at this point in Iraq, it would be more time. This is an exceedingly tough endeavor that faces countless challenges. None of us, Iraqi or American, are anything but impatient and frustrated at where we are. But there are no shortcuts. Success in an endeavor like this is the result of steady, unremitting pressure over the long haul. It's a test of wills, demanding patience, determination and stamina from all involved.

I think we ought to give him his one wish.

This is a similar situation we were in only months ago. Many in this body wanted to reject the strategy General Petraeus proposed in Iraq, even before he had been given the full opportunity to perform his mission. I still cannot comprehend why my colleagues would agree to a new bipartisan strategy in Iraq but only months later not be willing to support our self-imposed guidelines.

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 in achieving the benchmarks detailed in the bill. The report told us 8 of the 18 benchmarks detailed in that bill received satisfactory remarks. While we are certainly disappointed that more benchmarks were not achieved, it is important to highlight the successes being made and how the Iraqi Government is performing, as their success will ultimately allow us to responsibly reduce our troop levels.

The benchmarks that have reached success so far are as follows: The Government of Iraq has made satisfactory progress toward forming a constitutional review committee and then completing the constitutional review. The Government of Iraq has made satisfactory progress toward enacting and implementing legislation on procedures to form semi-autonomous regions. The Government of Iraq has made satisfactory progress toward establishing supporting political, media, economic, and services committees in support of the Baghdad security plan. The Government of Iraq has made satisfactory progress toward providing three trained and ready Iraqi brigades to support Baghdad operations. The Government of Iraq has made satisfactory progress in ensuring the Baghdad security plan does not provide a safe haven for any outlaws, regardless of their sectarian or political affiliations. The Government of Iraq, with substantial coalition assistance, has made satisfactory progress, once again, toward establishing the planned joint security stations in Iraq. The Government of Iraq has made satisfactory progress toward ensuring that the rights of minority political parties in the Iraqi legislature are protected. And finally, the Iraqi Government is making satisfactory progress in allocating funds to ministries and provinces for reconstruction projects.

General Odierno, on the surge progress, says:

> The increased presence is having an effect, and it will continue to be felt in the weeks to come. We still have not reached . . . the end of our surge. Every day we are making progress.

That is from LTG Ray Odierno, U.S. Army Commander of the multinational corps in Iraq. He goes on to list some specific examples. I don't need to list all those specific examples, but a full page in fine print where he points to successes in Iraq. What is most unfortunate during this debate is that the Democratic majority has put in jeopardy the passage of the Defense authorization legislation, something that simply has not happened in decades. By pushing for a failed Iraq policy amendment to the Defense authorization bill, the majority are willing to trash legislation that is vital to our men and women in the Armed Forces. The managers of the bill, Chairman CARL LEVIN and Ranking Member JOHN MCCAIN, should be commended for their good work on this comprehensive and vital legislation. The authorization bill provides our men and women in combat zones with the resources and equipment they need to complete their missions. It also provides for our troops at home by ensuring they receive appropriate medical care upon their return and the training needed prior to deployment.

Finally, the bill provides for the health and well-being of our Armed Forces and the tools they need to defeat terrorism and defend our Nation from future attacks. An important component of this bill is the increased commitment to the quality of life for our service men and women. The authorization includes $135 billion for military personnel, authorizing payment of combat-related compensation to servicemembers medically retired for a combat-related disability and lowering the age at which members of the Reserves may draw from their retirement. This bill further provides our men and women with quality health care by adjusting $1.9 billion for TRICARE benefits and directing the Department of Defense to study and develop a plan addressing the findings of the Mental Health Assessment Commission.

This bill also gives our troops the necessary protection to combat the threats they are facing right now, particularly to counter insurgent improvised explosive devices—commonly known as IEDs—threats which remain the No. 1 killer of American troops. This bill includes $4 billion to the individual services and special operations command for Mine Resistant Ambush Protected vehicles. It also fully funds the President's request of $4.5 billion for the Joint Improvised Explosive Devices Defeat Office for blast injury research and the procurement of IED jammers.

Unfortunately, this legislation is threatened by the insistence of the majority leader on having this protracted and unnecessary debate. There is no doubt that we face extremely difficult challenges in Iraq. We have not made enough progress. The citizens of Iraq must be willing to fight for their own freedom. But we should not cut General Petraeus's time short in implementing his plan that this body overwhelmingly approved of only a few months ago.

I have a quote or two I wish to share and remind the body about what the Democrats, the opposite party, have said. The Democrats' dismissal of General Petraeus's report is part of a pattern. The Baghdad security plan was declared a failure 2 months before U.S. reinforcements arrived in Iraq. Senator REID from Nevada is quoted as saying ''This war is lost'' and that ''the surge is not accomplishing anything.'' Senator LEVIN said, ''It's a failure.'' But the surge only began in mid-June, 2 months after the Democrats first declared it a failure.

General Petraeus said:

> The surge has really just . . . begun.

Hours ago I heard the minority whip talk about how many on this side have acknowledged mistakes that have been made during the Iraq war, but how we won't vote to pull our troops out right away. I have been one of those Members of the Republican caucus who has said publicly that mistakes have been made. I will point out that the Commander in Chief has stated the same thing. That said, regardless of the errors that have been made, it does not mean the mission or the policy is any less important. In fact, I am trying to think of a conflict in which we have been involved that we can't point to some mistakes. I am very aware that the longer we stay in Iraq, the more it will cost the United States, both in money but, more importantly, in the lives of American men and women. However, I won't support the Levin-Reed amendment because I believe it is based on the assumption that by leaving Iraq prematurely, Americans will be safer.

The terrorists have made it abundantly clear that Iraq is central to the war against the civilized world. They are committed to fighting there and will not stop unless we defeat them. If we have to fight, it is preferable not to fight on our own soil. So let's hurry and have the cloture vote on the Levin-Reed amendment so we can defeat it. I ask my colleagues to reject this amendment and let us return to the important debate on Defense authorization to ensure our troops have the adequate support here at home and abroad.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come here to the floor this morning to speak about the strategy that we are moving forward with in Iraq. I also come here to say the debate over the last several days, including overnight, has been a very important debate and one we do need to have. Our troops in Iraq and Afghanistan deserve the debate that is taking place here in the Senate.

As the sun rises today across America, it is midafternoon in Baghdad, in Iraq. There the temperatures are close to 100 degrees as we speak. In Iraq today we know there are almost 160,000 men and women in uniform who are serving there, doing the duty they have been called to do on behalf of a grateful nation. So it is for them, for the 160,000 troops we have in Iraq today, for the 1.4 million veterans of both Operation Iraqi Freedom and Operation Enduring Freedom, that we in the Senate should have a debate about our way forward in Iraq.

I, therefore, say to my colleagues who have come to the floor as the night has gone on and have said things such as this is all about cut and run, this is about surrender, this is a political stunt, that they are wrong. With all due respect, those kinds of labels are not helpful as we deal with what is a fundamental American issue, the issue of war and peace and the way forward for all of us here in this country and the way forward for our Armed Forces. Those kinds of labels, those kinds of attacks are not worthy of the reason the American people sent us all here to this body to try to define and devise the best policies for America, the best of policies that will make America strong, the best of policies that will restore America's standing in the world, the best of policies that will honor and recognize that contribution of the greatest generation of America, the generation of World War II. That kind of labeling is not worthy of trying to bring us together in a manner and a way that will help us find stability in Iraq, in the Middle East, bring our troops home, and achieve the goals I believe at the end many of us would agree upon in the Senate.

I do not believe the long debate over all of last night has been at all a lost cause. It is important for those of us, the 100 Members of the Senate, who represent the 300 million people of America to come to the floor and give voice to the future of the most fundamental national security issue of our time. The most fundamental national security issue of our time is how we deal with the issue of terrorism, how we deal with creating stability in the Middle East and, ultimately, how we bring our troops home out of harm's way. This debate on those fundamental issues is one that is worth having. Those who would demean, who would take away, who would detract from the importance of this question by trying to use labels—such as ''surrender'' or ''precipitous withdrawal,'' ''cut and run''—do not do a service to the country in advancing a policy that is worthy of the sacrifice so many have made.

I hope as we move forward, not only in today's debate and in the vote that will take place later on this morning, as well as when we deal with this issue in July and perhaps into the August recess, perhaps into September, perhaps into October, that we will be able to find a common way forward.

I am reminded, as I was listening to some of the labeling that was going on here last night, of a campaign that took place in Georgia in 2002, where a great American by the name of Max Cleland, who had given so much of his life, his blood, and his limbs for the freedom of America in Vietnam, was used as a political pawn in that election of 2002 by people here in Washington and other places who dared put the label on him as unpatriotic. This man, who gave so much to his country, who was willing to give the very last ounce of devotion and courage in his life to do the ultimate sacrifice, was labeled as unpatriotic. So the labeling we see taking place here in this debate on the Senate floor through the night and through the rest of the day smacks of that same kind of labeling that is unworthy of our purpose in the Senate.

I hope as we move forward, we can find a way of working together to address the reality and the difficulty of the issues we face. Our troops know the importance of this debate. The 1.4 million veterans who served in Iraq and Afghanistan and their families know the importance of this debate. There is probably not a Member of this Chamber today who has not spent many

hours, both in Iraq, as well as with our troops back home, and in Afghanistan talking to them about the reality on the ground, what it is that they see, how it is conditions are unfolding, and how it is that they believe we ought to move forward with a policy that is worthy of their bravery.

The solemnity of this debate should not be lost on America, as the sun rises over this country. The solemnity of this debate should not be lost, particularly when we think about the men and women who have given their lives already in this cause in Iraq.

As of today, just from my State of Colorado, at the top of the Rocky Mountains—my State of Colorado—we have had 51 members of Colorado's population killed in Iraq. We have had 443 who have been wounded in Iraq. U.S. casualties in Iraq today are 3,618—3,618 Americans have given their lives in Iraq.

So the solemnity of this debate should be one that should honor those who have given their lives in the effort in Iraq, as they have done the duty commanded by the Commander in Chief.

Beyond those who have given their lives and the sacrifice their families have made to this effort, we also must remember the solemnity of this time and this moment when we think about the 26,806 Members of our armed services who have been wounded in Iraq. Many of us have spent time at Walter Reed or spent time with veterans back home where we see what has happened to the lives of those who have lost their limbs, who have had traumatic brain injuries.

Eighteen percent of those who have gone from Fort Carson, CO, have returned with a traumatic brain injury. It is for those people that we must make sure we have a solemn debate devoid of the politics, devoid of the politics that we see taking place with the labeling that is occurring here today.

There is no doubt that as we look at what has happened in now what is almost a 5-year war in Iraq, there is a legion of mistakes that have been made. My friends on the other side of the aisle will concede there have been major mistakes made, that in the early years of the war effort there were mistakes made on intelligence, mistakes made on the information that was provided to the Congress, multiple mistakes in terms of looking at the way forward and simply not being able to find it.

I believe when the President landed on the naval carrier and said the mission had been accomplished, in his heart and in his mind he did believe the mission had been accomplished. He did believe the mission had been accomplished because the government of Saddam Hussein had been toppled. Our brave men and women—some 300,000 men and women strong—had gone in and had taken the Iraqi Republican Army down and had toppled Saddam Hussein. So when the President said ''mission accomplished,'' now 4 years plus ago, I think he believed that was in fact the case.

But it was also an absolute failure to be able to look ahead at the reality of the complexity and the political conditions that existed in Iraq at the time. I believe those who testified before the Congress in those days and said it would cost less than $50 billion to undertake this effort—I believe they were telling the American people what they thought was the case. But, sadly, they were very mistaken because we now knock on the door of having invested not $50 billion, not $100 billion, not $200 billion, not $300 billion, not $400 billion, but we are over the $500 billion mark. How could we as America be 12 times off the mark—12 times off the mark—in terms of what this war would cost the American taxpayer? How could we be so far off the mark, perhaps 100 times off the mark in terms of the number of men and women who would be killed in Iraq? No one ever anticipated 4½ years ago that there would be over 3,600 Americans who would be killed in Iraq.

So there has been a legion of mistakes that have been made. History will look at those mistakes. History will look at those mistakes and reach its own judgment.

Let me say, we should learn from those mistakes, as we move forward. In my view, that is what the Iraq Study Group did. That was a commission, in fact, that was created by legislative action of this Senate and the House of Representatives and signed by the President. It was a kind of template for which I believe we should strive to find a way of re-creating here in terms of their tenure and their approach to this fundamental issue of war and peace.

President John Kennedy said, at one point:

> So let us not be blind to our differences, but let us also direct attention to our common interests and to the means by which those differences can be resolved.

Let me say that again. He said: ''let us also direct attention to our common interests and to the means by which those differences can be resolved.''

We have differences here on the floor of the Senate this morning, as the sun rises across America. We have had differences over the last 4½ years with respect to this war and the direction of this war. But I hope we find it among ourselves, Democrats and Republicans, to find a way forward together. I think if we do that, we will reach the vision and the aspiration that was articulated by President Kennedy when we find ourselves in the position where we have these fundamental differences among us.

I want to spend a few minutes on what I think is a good way forward for all of us. The Iraq Study Group—again, made up of 10 of the most prestigious Americans, people who have earned every right to be called the statesmen of America—came up with a number of recommendations and a number of findings. But at the beginning of the report, it is important for us to remember that in December of 2006—now some 7 months ago—the Iraq Study Group said:

> The situation in Iraq is grave and deteriorating.

''Grave and deteriorating.''

> There is no path that can guarantee success, but the prospects can be improved.

It is with that thought in mind that many months ago I began to work, especially with Lee Hamilton, and with former Secretary James Baker, to craft legislation to implement the Iraq Study Group recommendations. Those recommendations that are set forth in the amendment which we have filed, which is cosponsored by 14 of our colleagues, is a way forward that establishes a new direction in Iraq. It does some things which are perhaps from the point of view of some not enough; but in the point of view of others, I think they are very important things for us to do, because for the first time as part of United States policy what we say is: No. 1, we will move forward to transition the mission from combat to training and support. We will do a mission change—a mission change—from combat to training and support. So our combat mission will be something we will transition out of Iraq.

They also say, and we include in the legislation, that as part of national policy we set forth a goal that this transition can, in fact, be completed by the early part of 2008. That is some 9 months from where we stand today.

In addition, what this legislation does, as a matter of United States law, is for the first time it sends a clear, unequivocal signal to the people of Iraq and to the Iraqi Government that these billions of dollars we are spending, and the huge amount of military support and effort we are putting into Iraq is going to come to an end, that our efforts are conditioned upon the Iraqi people and the Iraqi Government making substantial progress toward making their Government work and providing security on the ground.

Thirdly, what the legislation does, as a matter of our policy in the Senate, is set forth the major diplomatic offensive that is ultimately necessary to bring about a peace in the very complex and difficult situation we face not only in Iraq but also throughout the Middle East. I do hope we have at some point an opportunity to vote on that amendment.

Finally, with respect to the Iraq Study Group, I heard a couple of criticisms about our legislation. One of those criticisms is that it is outdated. I would say it was not a snapshot. Those recommendations—that were put forth in December by a group that spent about $1 million in putting together that report, and spent countless days and weeks and months in coming up with the only coherent set of bipartisan recommendations on the way forward—those recommendations are as valid today as they were back in December.

Congressman LEE HAMILTON wrote a letter on July 9 addressed to me, and for others who are working on the bill with me. What his letter said, in conclusion, is that our legislation ''outlines the best chance of salvaging a measure of stability in Iraq and the region. It provides a bipartisan way forward on a problem that cannot be solved unless we come together to address this singular national issue.''

I am hopeful we will be able to find that way forward.

Let me conclude then by saying this: Some people have said our efforts here in the last several days, including the all-night session—sleepless here in Washington, DC; watching the night come, watching the sunrise here in Washington, DC—has been a political stunt. It is not a political stunt when the voices of 100 Senators, or at least some of those Senators, are heard on this floor debating how we ought to move forward on the most fundamental issue of national security of our time.

It is for that reason that I commend the majority leader and I commend those who have called on us to make sure we put the spotlight on such an important issue. I commend them for their courage, and I am hopeful that as our country and our Senate moves forward in trying to deal with what is a seemingly intractable issue perhaps we can think back to the Scriptures, we can think back to the Book of Matthew, and remember what was said where He said: Blessed are the peacemakers. Blessed are the peacemakers.

It is the peacemakers ultimately who will help us chart a new and different direction forward in Iraq that will help us achieve the success I believe 100 Members of this Senate want; and I believe that is to bring our troops safely home, and to create the best conditions to salvage a measure of stability in Iraq and in the Middle East.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say to the previous speaker, the junior Senator from Colorado, I reviewed what he and Senator LAMAR ALEXANDER have put together, and I think of a lot of the options out there, that is one that is fairly reasonable. But I disagree with the offensive nature that people have taken with some of the terms, such as ''resolution of surrender'' and ''cut and run.'' In reality, I believe that is what we are talking about.

A couple things were said. First of all, it happens in the case of former Senator Max Cleland, he was one of my closest friends. We actually were in a Bible study together. We were together every week, spending quality time and intimate time together. Never once did anyone question his patriotism.

Max Cleland—I heard the story from him, what happened to him in Vietnam. Then I also saw the campaign that came up. Yes, they talked about votes, how perhaps his votes were different than the person who was opposing him who was serving in the House at that time. Never once was his patriotism questioned.

Mr. SALAZAR. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. INHOFE. Mr. President, I will yield to the Senator from Colorado.

Mr. SALAZAR. Mr. President, through the Chair to my good friend from Oklahoma, I enjoy our work together on many multiple fronts, but with respect to former Senator Cleland, I did see the pain from the attacks that were made against him in Georgia. With respect to what you refer to, my friend from Oklahoma, concerning, quote, ''the surrender resolution,'' in my view, from what I have heard from my colleagues here as we have entered this debate, it appears what we are talking about is a way for an orderly disengagement from Iraq.

Mr. INHOFE. Yes. I understand.

Mr. President, reclaiming my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. SALAZAR. My question——

Mr. INHOFE. I am glad to yield for a question, but we already heard this speech in terms of the interpretation of the vote we will have at 11 o'clock. We have an honest difference of opinion, I say to my good friend, the junior Senator from Colorado. He has expressed his opinion, and I want to express mine.

Mr. SALAZAR. May I ask a question? Will the Senator from Oklahoma yield for a simple question?

Mr. INHOFE. For one question. Go ahead.

Mr. SALAZAR. It is my understanding that even under the Levin-Reed amendment there would be a significant troop presence that would remain over the long term in Iraq for the limited missions that are defined in that legislation. Is that not correct?

Mr. INHOFE. That is correct.

Let me reclaim my time and expand on that a little bit.

There is still a continued troop presence in Bosnia, in Kosovo, and other places. There always is a troop presence. And after this is over—depending on what the outcome is—I would assume there will always be a troop presence there regardless of how we vote on any resolution today.

Now, let me say a couple other things that were stated on the floor. I was sitting here at about at 5:15 or 5:30 this morning, when statements were made by the junior Senator from Massachusetts as to our troops who have been involved with IEDs, who have lost their lives, and that nothing changed after that, nothing was accomplished after that. That is another way of saying they have died in vain.

Let me tell you, I have been in the AOR of Iraq, not always in Iraq, but this AOR, 14 times. I probably have talked to more troops, gotten a better feel as to what people are about over there than any other Member. I think to even suggest that someone has died in vain is totally outrageous.

Now, one of the things that has been stated over and over again that I do agree with by the opposition over there is we have a problem with our equipment. We have a problem with the funding of the military.

Let me suggest to you, in America, this is the only democracy where if people at home want to know how their Member of Congress—from the House or the Senate—is voting on issues, they can find out. I suggest to you that the worst way to find out how someone is voting on issues is to ask them. You do not want to do that.

But if you are concerned, for an example, as to how we are voting on a tax issue—if you are for tax increases, you do not ask the guy, you do not say, Senator SALAZAR, are you for tax increases? No, you do not want to do that. But you can look at the ratings. We have ratings on every conceivable subject. The National Taxpayers Union will tell how each Member votes in terms of tax increases.

Are you conservative or liberal? Well, I suggest to you the ACLU loves the liberals. The ACU loves the conservatives. I am proud of my rating. It happens to be No. 1 out of 100 Senators. So people will know. They do not have to ask me.

If you are concerned about how a Senator is voting in terms of supporting small business, the National Federation of Independent Business rates all Democrats, Republicans, House and Senate, on those issues.

If you are concerned—this is what I am getting around to now—if you are concerned about who is supporting the military, there are groups that do that. The Center for Security Policy, for example, says the average Democrat supports the military 17 percent of the time, the average Republican 79 percent of the time.

Now, if you question that, let me show you the chart I have in the Chamber.

For Democrats to stand on this floor and talk about the problems of the strained military, the problems of overdeployment, the problems we are having, look at what has happened. I do not think there was a month that went by back during the 1990s, during the Clinton administration—when they were cutting the military, cutting our force strength, cutting money out of our military—when there wasn't this euphoric statement: Oh, the Cold War is over, so we do not need a military anymore. That actually was floating around these Chambers. So what happened during the 1990s?

If you take what the benchmark was in 1993, fiscal year 1993—that would be this black line shown on the chart—and do nothing but consider inflation, then this goes up here. In other words, if we get nothing except maintaining what we had in 1993, this would be the black line.

President Clinton's budget request came in at this red line. You see the

difference between the red line and the black line: $412 billion less than just maintaining the status quo.

Now, it was during that time that I was making statements on the floor: We have very serious problems in terms of our modernization program. We are going to have to do something about this. I was so proud of GEN John Jumper, and this is before he was the chief. He stood up as, I believe, a lieutenant general at that time and he made this statement. He said: Our potential adversaries have equipment that is better than ours. He was talking about strike fighters. He was talking about China having bought, I believe it was 240 of the SU–30, SU–35 series that the Russians were making and saying that they are actually better in many respects than our F–15s and F–16s.

Back in the 1990s, we were cutting back on the modernization program. We were not moving forward with the modernization and going toward the F–22s and the F–35s and the future combat system and things we are doing today. This is what happened, and our troop strength went down, our ships went down from 600 to 300. It is the downsizing that we have been paying for. Now what happens? This President came in, and 9/11 took place in 2001. When this happened, all of a sudden we are faced with a situation where we had a downsized military. We had to start reembarking on our modernization program. But all of this we had to be paying for.

We have had amendment after amendment that says we are going to have to do something about our deployments. Yes. Our deployments are unreasonable at this time, but it is because we went through this cycle back in the 1990s. I think it is very important that people understand where we came from and how we got in this position we are in today.

Now, a lot of things have been lost in this debate. I think the other side—the Democrats, the liberals—would like to have us believe that this is just the United States. They have completely forgotten or disregarded the global nature of this problem, this war which is out there. It is global. Somalia, Kenya, Tanzania, the United States, France, Morocco, Turkey, Spain, Indonesia, Great Britain, Jordan, Egypt, Saudi Arabia, Philippines, Algeria, Yemen, and Tunisia are just a partial list of the countries which have had terrorist attacks.

The National Counterterrorism Center reported that approximately 14,000 terrorist attacks occurred in various countries during 2006. Now, they say that half of those were in Afghanistan and Iraq. That means 7,000 terrorist attacks happened all over the world outside of Iraq and Afghanistan. We remember just in the last 30 days the terrorist attacks. A car bomb exploded outside Somalia's Prime Minister's residence, killing six people. These are all in the last 30 days. A bomb exploded in front of a crowded tea shop in Thailand, killing a woman and wounding 28; an explosion outside the Ambassador Hotel in Nairobi, killing a man and injuring 37 others. A bomb exploded outside a clothing shop in Istanbul and more in Peru and other places. So it has happened all over. The suicide bombers drove an SUV into the Glasgow Airport, injuring six people, just 2 weeks ago. A suicide bomber drove into a convoy of Spanish tourists, killing nine people. That was just last week. This is the global nature of this war.

What has this President been doing after 9/11? People don't realize what has happened and the results, the very positive results of these things that took place. We passed the PATRIOT Act, which broke down the walls between Federal law enforcement and intelligence communities, created the Department of Homeland Security, created a position of Director of National Intelligence, created the National Counterterrorism Center, and worked with all of the intelligence systems.

My predecessor—when I came over from the House to the Senate—was David Boren, Senator David Boren, who is now the president of Oklahoma University. After I was elected, he said he wanted to talk to me about a problem which he had been unsuccessful in resolving. You might remember that he was the chairman at that time of the Senate Intelligence Committee. He said: We have a problem, a serious crisis in our intelligence system. He said: We have, the NSCA and the CIA and the DIA and all of these people, but they are not talking to each other.

It is a crisis we started approaching, and it wasn't until this came along—the efforts of this President—that we got our intelligence act together to a much greater degree. What kind of results are we having? Well, the President made a statement, and I think it is worth repeating: The terrorists only have to be right once; we have to be right 100 percent of the time.

Have we avoided, because of all of these efforts the President has made, a disaster here in this country? I really believe we have. We captured an al-Qaida operative named Ali Saleh al-Marri in the United States who was targeting water reservoirs, the New York Stock Exchange, and the U.S. military academies. We broke up two other post-9/11 aviation plots, one targeting the Library Towers in Los Angeles and the other targeting the east coast. Four men were indicted for an alleged plot to attack the John F. Kennedy International Airport by blowing up the jet fuel supply. We disrupted a plot by a group of al-Qaida-inspired extremists to kill American soldiers at Fort Dix. We have worked with the Brits and other countries. Together, we successfully broke up a plot in the U.K. to blow up passenger airlines going to America which could have rivaled the tragedy of 9/11. Of course, we know what happened down in Piccadilly Circus in the theater area, the plot, the terrorist plot that was planned there that we stopped.

So I guess what I am saying is we know these things were going on. There is no way to say for sure that thousands of Americans are alive today because of the efforts of this administration, but I believe it, and everything I have mentioned here is all documented in terms of plots against this country that perhaps we would not have been able to defend ourselves against prior to that time.

It does bother me when we talk about how this isn't a surrender resolution, this isn't a cut-and-run resolution. Sure, it is. We see al-Qaida—they see the victory in Iraq as a religious and strategic imperative, something they have to do. This is not something which is optional for them; they have to do it. In fact, Osama bin Laden called the struggle in Iraq a war of destiny. This is Osama bin Laden. That is how he characterized it. It reminded me, when I heard that, of one of the great speeches of all time. It was given by Ronald Reagan way back before he was even Governor of California. It was called ''A Rendezvous With Destiny,'' using the same words—the characterization of Osama bin Laden when he talked about the ''war of destiny'' that is taking place. ''A Rendezvous With Destiny.'' I have often said it should be required reading for all schoolkids.

Every time I see the Senator from Florida, the junior Senator from Florida, Mr. MARTINEZ, I think about his trip from Cuba over to this country, and it reminds me of the speech Ronald Reagan made when he said ''a rendezvous with destiny.'' He talked about the Cuban who had escaped from Cuba, and as his small craft floated up on the shores of Florida, a woman was there, and this Cuban started talking about the atrocities of Communist Cuba and of Castro and the problems that were over there, and she said: I guess we in this country don't know how lucky we are. And he said: How lucky you are? We are the ones who are lucky because we had a place to escape to. What he was saying is that we have been this beacon of freedom in this country for so many years.

I can remember—and the occupant of the chair was there at the same time I was, in the other body, back during the war in Nicaragua. At that time, the Communists were trying to take over. One of the great things Ronald Reagan did was to kill communism in Central America at that time, and that endured for some 20 years afterward. But at that time, in Nicaragua, I was going down there quite often because we were watching Daniel Ortega and we were watching the Sandinistas and we knew what was happening down there. So we would go down to see these brave people who were fighting for their freedoms.

I can remember going to a hospital tent in Honduras, just across the border from Nicaragua. I went down there several times. I would just look and

marvel at these young kids. Keep in mind, at that time, those who were defending their freedom against communism were young people because all the older ones had been killed already. They had a hospital tent. I remember the hospital tent was about half the size of this Chamber. All the way around the peripheral of this hospital tent were beds. In the middle was an operating table with no shield or anything up, and they were operating on these young kids as they came back and getting them ready to go back into battle to fight for their freedom against communism in Nicaragua.

I remember going around the room and talking to these individuals in their language and saying: You know, I admire you so much. You are just fighting against impossible odds. How can you keep driving yourself to go back? I remember getting the answers as I went around the room.

I came to a little girl. Her name was Maria Elana Gonzalez. She was a little bitty girl. She might have been 90 pounds. It was her third trip to the hospital tent. She wouldn't be going back into battle because that morning they had amputated her right leg and the blood was oozing through her bandage. She looked up at me after I had asked that question and she said: Es porque han tomado los campos, han tomado las casas, han tomado todo de lo que tenemos. Pero, de veras, ustedes en los Estados Unidos entienden. Porque tuvieron que luchar por su libertad, por lo mismo que estamos luchando ahora.

What she said was: How can you ask that question? We are fighting because they have taken our farms, they have taken our houses, they have taken all that we have. But surely you in the United States understand this because you had to fight against the same odds for your freedom.

That little girl couldn't read or write. She didn't know her history. She didn't know if our Revolutionary War was 10 years ago or 200 years ago. But she knew we were the beacon of freedom, the beacon of freedom. I wonder what is happening to that beacon of freedom.

We are looking at this war now, the serious nature of this war.

Winston Churchill said—and I quoted this several times on this floor, but I think it is worth repeating. He 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 as it is today.

So we are facing an enemy today that is adaptive. He is willing to do anything. You can't negotiate with him. It is not a country. In a way, it is more dangerous. We compare this war and certainly some of the terrorists who are running the other side with Hitler and with Stalin. Those things in some ways were not as dangerous because they were more predictable. This is not predictable. You can't defeat a country and say the war is over because it is not over. As I mentioned, this is global, the attacks that are taking place. Any plan to leave Iraq before we have had a chance to understand the outcome of the troop surge does two things: It tells the enemy that they have been successful and their methods worked, and secondly, it gives them the patience to wait us out.

One of the things I learned in my many trips over there is the culture of the people is different. They don't think of today and tomorrow or next week; they think of long periods of time. Oh, we are not going to be there 2 years from now? Oh, fine. We will just go into hibernation. We will wait for 2 years. Everything is going to be fine. We will just wait until that happens. You can't win by—they can only win by attacking our resolve.

When we talk about the resolve, I wonder about that beacon of freedom, when that little girl in the hospital tent looked at America. What has happened to it since that time? You look at our resolve that has been lost in Somalia. It wasn't until they dragged the naked bodies of our troops through the streets of Mogadishu that finally we didn't have the stomach for it, and so that beacon of freedom went out. We saw it in Vietnam, in Lebanon, in the Khobar Towers.

I recognize, and everyone recognizes, there have been mistakes in this thing. The President recognized this in his speech on January 10. He said a lot of things that I think were very profound observations at that time that I will address in just a minute. But when you look at the consequences of a premeditated withdrawal, when the enemy knows what we are going to be doing in the future—one of the great generals of our time is General Maples. He was actually the commanding general down in Fort Sill in Oklahoma at one time. He is now the DIA Director. He said:

> 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 the United States strategic interests.

John Negroponte and General Hayden both agree with that.

It is not too late to avoid this. I don't think it is time to start cutting our losses and just hope that all this goes away. If we can assist the Iraqis and reach that point of sustainable self-governance, then we can bring defeat to our enemies and stability to the region. We all want this. All those who have not personally seen the changes, the visible changes that are taking place in Iraq, seen the girls who can now get an education and seen that they can now have weddings in the streets without the fear of having troops come in there and kidnap all the girls and rape them and bury them alive—people have forgotten already how bad things were at that time in Iraq.

So I just have to say this: Regretfully, I have been sitting here since 5 o'clock trying to get on the floor, and now we are running out of time. But I would say this, and I think it is something which is very significant; that is, the President, in his speech on January 10, talked about the necessity for victory in Iraq, but he used a term that nobody heard and nobody remembered and nobody listened to, and it is called from the bottom up. A ''bottom-up victory'' is what he wanted. This President is talking about it with the people.

Let me tell you what has happened. On my last trip—keep in mind, I have made some 14 trips to the AOR, and the last trip was after the surge was announced. We saw a number of things. First of all, it didn't go unnoticed by the people over there that there are some resolutions like the one we will considering at 11 o'clock today, and consequently that got their attention. I think some good came from that. But that, along with David Petraeus going over there as commander in chief, along with the surge, has really had some results. For the first time over there, I saw changes.

A few minutes ago, one of our Republicans was talking about the change in Ramadi. It was the senior Senator from Utah. In Ramadi, if you remember a year ago, that was getting ready—or, as we say in Oklahoma, that was fixing to be the terrorist capital of the world. It is now secure. In Fallujah—this is just less than a month ago, in Fallujah—it is secure, and it is secure by our security force—by the Iraqi security force and not by ours. In other words, they are taking care of their own over there. The joint security stations where our troops, instead of coming back to the Green Zone, will stay over there and bed down with the Iraqi security forces, develop intimate relationships with them, and learn to love each other—this is what is happening right now.

I was mistaken. All these years, we have been talking about Maliki and all the political leaders. I am beginning to think really that the successes that are taking place and the bottom-up success right now after the surge are actually coming from the religious leaders. We monitor—and we do this as a matter of course—all of the mosque ceremonies. I think they meet once a week like most churches do, and up until December, 85 percent of the messages that were by the clerics and by the imams in the mosques were anti-American. They started dropping off until in April of this year, there wasn't one anti-American message. The results are there. As a result of that, we are having many of the citizens, just on their own, as the Senator from Utah mentioned—because he was there a short time after I was there, and he said they are doing things now that they haven't done before.

Just as we have, in Tulsa, OK, and in all of our cities in Oklahoma and here

in Washington, DC, a Neighborhood Watch Program where the neighbors volunteer to go out and watch, this is happening in Baghdad, Fallujah, Ramadi, all throughout Iraq right now.

These are people who are going out and risking their lives with spray cans, spray-painting circles around undetonated IEDs, and it is being done successfully. I think there is a level of panic setting in on those individuals who have gone over there and seen that the surge appears to be working.

I don't think we should be cutting and running at this stage. We have a huge investment there. We have taken out a ruthless leader, one who would rival Hitler in the atrocities he has committed. Now that we have an opportunity to do that—to have a different form of government in the Middle East—and people who say it wasn't Iraq all this time, sure, it was Iraq. There were training centers in Iraq training people to do different things. In the town of Salman Pak, they were training terrorists how to fly airplanes into targets. Did they train the 9/11 terrorists? There is no way of knowing that. Nonetheless, the training camps are not there anymore. We have had successes.

I know people want to talk about the failures, but I will say to you this is a very critical vote. If we vote at 11 o'clock today to leave before the job is done, that would be a crisis and a slap in the face for our troops over there fighting so bravely for our freedom back here. I am a product of the draft of many years ago, and I believed you would never be able to have an all-volunteer force and have it with the quality we had in the draft. I realize now that I was wrong all those years ago, that we have the finest young people in the world in our military. They understand what the mission is. They understand the threat facing them. The first thing they asked me is: Why is it the American people don't understand, or the media? They don't ask that question now because they have the benefit of having talk radio. They have FOX instead of depending on CNN International, and they realize the American people are by their side.

So this is critical. Is it worth staying up all night for? I think it is. I look forward to defeating the effort of the Levin-Reed amendment taking place at 11 o'clock today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Oklahoma for acknowledging there is something that is worth staying up all night for, that this is a debate we must continue to have. But this is also a vote we must have. The American people and our troops deserve nothing less than an up-or-down vote.

I disagree with the Senator from Oklahoma when he said we would be somehow hurting our troops by not staying the course. I think we need to change the course. I think this idea that we somehow dishonor our troops by having a free and open debate about this is wrong. I think it is wrong to say we dishonor our troops when we talk about a change in course in Iraq, because I think it is what they deserve. We need a smart way to get our soldiers out of harm's way and transition to the Iraqi Government. This is about getting this policy right for our troops in the field, about giving them what they deserve: a simple majority vote. That is what we need today.

I hope all of my colleagues will recognize our current strategy in Iraq is not working, that a new strategy based on drawing down U.S. forces is necessary, and this strategy must be implemented now. After 4 years, over 3,600 American soldiers have been killed, over 25,000 have been wounded, and almost $450 billion has been spent. We cannot wait until next year, or until next month, or until September to change our strategy. After 4 years, we cannot wait for the Iraqi Government to demonstrate the progress before we begin bringing our soldiers home, and it has shown no indication of a commitment to compromise and reconciliation. After 4 years, we cannot ask our men and women in the field to continue to risk life and limb indefinitely in the pursuit of a policy that so many of our colleagues across the aisle have now admitted and have spoken out about and said this policy needs to be changed, that it is not working. Talk is talk. But now it is time to vote.

Our troops have done what they have been asked to do. They deposed an evil dictator. They guaranteed free elections in Iraq. We all know there can be no purely military solution in Iraq. This has been agreed to by so many military commanders, experts, and Members in this body that it doesn't need to be argued anymore. We recognize true stability in Iraq will only come with political compromise between their various ethic factions. Only Iraqis can reach that agreement. Given that, should our strategy not be transitioning to Iraqi authority now, not some undefined time in the future?

We must push the Iraqi Government to assume the duties it was elected to perform, to lead the process in negotiation and deal-making. Our openended commitment is impeding this process and inhibiting the will of the Iraqi people to stand up and take responsibility for their own country.

Nine months ago, the Iraq Study Group proposed a pragmatic change of course that focused on political and economic initiatives, intense regional, and international diplomacy that would tie all nations with an interest in Iraq together, and beginning the phased redeployment of U.S. forces from Iraq. Since the issuance of the Iraq Study Group report, some conditions on the ground have remained the same, and a number have gotten worse. In the last 3 months, more U.S. troops were killed than in any other 3-month period during the entire war.

I urge my colleagues to set aside differences, to forget about past agreements or voting records, and focus on what is best for our troops in the field going forward. We owe it to these brave men and women in the field to get this policy right. I believe the best thing we can do for our troops, our national interest, and for the Iraqis is to adopt the new strategy proposed by my colleagues Senators LEVIN and REED that would begin bringing our troops home, removing the bulk of our combat forces by the spring of next year. We know this cannot be done overnight, and the troops will be remaining to train the police and guard our embassies, and for special forces. We also know it is time to send a message to this Iraqi Government that it is time for them to govern.

Keeping over 160,000 U.S. soldiers in Iraq is simply not the answer. We need to start bringing them home. In March, I visited Baghdad and Fallujah and saw firsthand the bravery and commitment of our troops. I had a number of meetings set up with Minnesota troops. Of the 22,000 troops who were sent over as part of this surge, 3,000 were from Minnesota. In fact, they are the longest serving Guard unit right now in Iraq and Afghanistan. A number of them are now coming home. We rejoice in Minnesota for the ones coming home to their families. But we know that, sadly, they are being replaced by other soldiers from across this country. I remember one of the Congressmen who had gone to Iraq shortly after I did. He came back and talked, as a House Member, about how it reminded him of—going through the market,—a farmer's market in Indiana.

Well, that is not my memory from Iraq. What I remember, first, is our troops and how they didn't complain about the heat, or about their extensions, or about their equipment. They only asked me two things: What the State high school hockey tournament scores were, and then they asked if I would call their moms and dads and husbands and wives when I got home. I did that. I talked to about 50 moms. I have to tell you they told me different stories. They told me about children who were waiting for their dad to come home, that they thought they were going to come home in January, and they were waiting month after month. They told me about how scared they were every time they turned on the TV. They told me about how proud they were of their child but that they wanted him to come home.

My starkest memory of that trip was not some farmer's market in Indiana; my memory was standing on the tarmac of the Baghdad airport where nine Duluth firefighters called me over to stand with them. First, I didn't know what it was. They were there to do their duty. They were saluting in front of a firetruck while six caskets draped in the American flag were loaded onto a plane. They didn't know what

fallen soldiers were in those caskets. They didn't know who they were. They just knew it was their duty to salute and they knew the lives of the families of these fallen soldiers would never be the same.

There is not a day that goes by that I don't think about the Minnesota soldiers I met over there. They never complained. They did their jobs. They deposed an evil dictator and guaranteed free elections. Now it is time to bring them home. One thing that struck us in our State is that this is a different kind of war. Up to 40 percent of the troops fighting in Iraq are members of the National Guard and Reserves. In many respects, the war has involved a different kind of soldier. In Vietnam, the average age of an American soldier was 19 years old. In Iraq and Afghanistan, the average age of an active-duty soldier is 27. The average age of National Guard members is 33. Three-fourths of all soldiers serving in Iraq and Afghanistan have families of their own, and fully one-half of those who have been killed have left families behind. Almost 22 percent of the Guard and Reserve members have had multiple deployments to Iraq and Afghanistan. For 4 years, these citizen soldiers have gone above and beyond the call of duty as this war has lasted longer—our involvement has lasted longer than our involvement in World War II. These citizen soldiers have made extraordinary sacrifices.

As we see our Guard and Reserve come home in Minnesota, the longest serving unit in this war, we know many have come back injured and maimed. I think I heard it is a thousand in this war across this country who have lost a limb, and 20-some thousand have been injured. Having served and sacrificed for 16 months, these men and women earned their rest and their right to live their lives in peace. But we keep sending them back and we keep sending them back.

All across my State, I have heard a strong and clear message from Minnesotans: Change the course in Iraq. Push for the strategy and solution that will bring our troops home and transition to Iraqi governance.

They want to see a surge in diplomacy, not a surge in troops. It is a message that was echoed all over this country last fall, from Montana to Minnesota, from Pennsylvania to Virginia. The people of Minnesota, like their fellow citizens around the country, recognize what is at stake in Iraq. As I have traveled around our State, I have spoken with many families who have paid a personal price in this war. I think of Clairmont Anderson, who would drive hundreds of miles to attend public events. Every time anybody even brought up the war, he would start to cry. It is because his son Stewart, an Army Reserve major, was killed in a helicopter crash in Iraq. I think of Kathleen Waseka from St. Paul, MN. In January, her son James Waseka, Jr., was killed while patrolling on foot in an area near Fallujah. He was assigned with the Minnesota Army National Guard First Brigade, the same unit that was extended under the President's escalation. Sergeant Waseka was the third member of his unit to die within a 6-week period. I also think of Becky Lurie of Kerrick, MN, near Duluth. She is the mother of 12 and a former State senator. Her son Matt was killed when the Army helicopter he was piloting went down north of Baghdad. I watched this Gold Star mother—a woman who has adopted 8 children—comfort her grandchildren, hold her shaking husband, and stand tall for hours in a high school gym in Findley, MN, where hundreds of people came together to gather for her son's memorial service. Clairmont Anderson, Kathleen Waseka, and Becky Lurie are parents whose children made the ultimate sacrifice in service to our country. They are among the many Minnesotans who have told me, without apology, that they want to see a change of course in Iraq. They pray that others will not experience their pain.

Although I opposed this war from the beginning, I recognize many did support it. But many years later, we are now dealing with a dramatically different situation. What we now know about the events and facts leading up to the war has changed dramatically. The conditions inside Iraq have changed dramatically. Our role there has changed dramatically. We need an up-or-down vote today. If we don't have a regular up-or-down vote, as the American people have asked for, we are not going to get the change of course the bipartisan Iraq Study Group recommended, the change of course that Iraq needs to halt its civil war, or the change of course our military forces deserve.

As of Thanksgiving, as I said, this war has lasted longer than World War II. Have we not asked our men and women to sacrifice enough?

Recently, at the funeral for a fallen soldier, I heard a local priest say our leaders have an obligation to do right by our children when we send them to war. This particular soldier was very tall and very strong. As the priest talked about him, he talked about the fact that even though this young man was over 6 feet tall, he was still our child. He said our children may be over 6 feet tall when we send them to war, but they are still our children. If the kids we are sending to Iraq are 6 feet tall, he said, then our leaders must be 8 feet tall. I add that if these soldiers are willing to stand up and risk their lives for our country, those of us in Congress must be brave enough to stand up and ask the tough questions and push for the tougher solutions and not be afraid to have an up-or-down vote on a change of strategy in Iraq. Clairmont Anderson, Kathleen Waseka, and Becky Lurie are standing tall. The parents with whom I met, whose kids were supposed to come home back in January, have been waiting and waiting for that telephone call, and waiting and waiting for those letters. They have been standing tall all these months.

The members of the Minnesota National Guard whose deployment ceremony I attended a few months ago in Duluth stood tall. The teenage brother and sister I met there who saw their dad and their mom deployed to Iraq at the same time stood tall. The injured soldiers in the VA hospital in Minnesota, recovering from traumatic brain injuries, and in their wheelchairs, with their strength and their spirit are standing tall.

I say to my friends across the aisle, by having an honest and open debate about the war as we have done tonight, we in Congress can stand tall, but we can only stand tall when we allow for a fair and honest vote about the strategy in Iraq. Our Constitution says Congress should be a responsible check and balance on Presidential power. Congressional oversight of our Iraq policy is long overdue. On behalf of the public, Members of this body have a responsibility to exercise our own constitutional power in a fairminded, bipartisan way, to insist on accountability and to demand a change of course. Ultimately, the best way to help our soldiers and their families is not only to give them the respect and the benefits and the help they deserve, but also to get this policy right.

I hope my friends across the aisle will see the merits of this debate and allow for an up-or-down vote on the Levin-Reed amendment. Our troops and our families deserve nothing less.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, to our new colleague from Minnesota, I say she expressed herself very well. This is a debate where nobody expects to change votes or minds in the short term. But it is a chance to express why you believe what you do about Iraq and how we go forward in that regard. It is always good to showcase our differences.

All of us in the body need to ask one question: Why is the Congress at such a low approval rating with the American people? What is it about what we are doing up here that is giving the public a bad taste about the way Congress works? That is a question I don't know how to answer completely. But I have a feeling that most Americans see Congress interacting with each other as if we are talking past each other and not many problems are being solved. We are trying to show the other side as being worse than we are.

It seems to me we are trying to construct a whole session of Congress around exposing other people's weaknesses and solving very few problems. Every now and then, you will step out in the middle, and the Senator from New York, the Presiding Officer—we have done some things I am very proud of, so there is hope. There are efforts

going on here in other areas to try to bring the Congress together and do some things that are important.

About Iraq, the reason no one is going to change their mind is that we just have a basic philosophical difference about how we go forward. Let me tell you what drives me more than anything else about the short term and the long term. The one thing we failed to do after the fall of Baghdad is plan for the worst-case scenario. One of the problems we have had is that we always assumed the best and never planned for the worst. We have gone down this road many times. The mistakes early on have come back to haunt us. We never had enough troops. The security situation got out of hand. We underestimated how hard it would be to build a democracy out of the ashes after dictatorship, and those early mistakes have cost. But in every war, you make mistakes.

What I am trying to do is talk about where we are now and where we are going to go. Acknowledging the early mistakes, we have paid a price. Let's not repeat them in another form. The old strategy after the fall of Baghdad was to focus on training, to keep the American military footprint as low as possible, empower the Iraqi military and army to take over their country and go fight al-Qaida and other extremist groups in firefights and come back behind walls. After 3½ years of engaging in that strategy, al-Qaida got stronger. We lost control of different provinces in Iraq to al-Qaida. Extremism grew, and we had no political reconciliation.

For 3 years—2 years, anyway; 2½ at least—I, along with Senator MCCAIN and others, have been saying the old strategy wasn't working. I do defer to military commanders. We all should to a point. Every general and every politician should have their work product judged by results. It was clear to me that the old strategy was not producing the result to secure the country, bring about political reconciliation, and control extremism. As a matter of fact, the old strategy, which lasted for 3 years, resulted in losing ground to the enemy, a stronger al-Qaida, a more fractured Iraq, and we were going nowhere fast. So I, along with others, pushed for a new strategy. The new strategy wasn't withdrawal. It was quite the opposite—reinforce.

Since February of this year, we have been bringing new combat capability into Iraq. We have added troops to make up for the mistakes initially made right after the fall of Baghdad. What has that additional combat capability done in Iraq and what has it failed to do? I think it is undeniable that General Petraeus's new strategy has been enormously successful in certain areas of Iraq that had been previously lost to al-Qaida. To me, that is the most encouraging sign yet of progress in Iraq. What has not happened is a securing of the country as a whole, the destruction completely of al-Qaida, the chilling out of Iranian involvement, and political reconciliation.

The new strategy is just exactly that—new. Instead of being behind walls with a limited military footprint, General Petraeus has deployed American forces into communities that were previously held by al-Qaida in Anbar Province. We have taken the fight to the enemy, and we have been able to dislodge al-Qaida in provinces that they dominated under the old strategy.

But here is the good news: Beating al-Qaida is always going to happen when we engage them because we are so much better militarily than they are. But the people who lived under their control in Anbar for all these months broke from al-Qaida and aligned themselves with us.

The best evidence I have seen thus far of a new strategy working is that not only have we liberated Anbar Province, a place you couldn't go 6 months ago, if you were a Member of Congress, to be somewhere you can walk around now like Ramadi. In the year 2006, there were 1,000 people who volunteered to be policemen in Anbar Province for the whole year. As of now, in 2007, 12,000 Iraqis have volunteered to be part of the police force in Anbar. They are all from that area. Once the sheiks broke from al-Qaida and joined with the coalition forces, they made a call to the local community for the sons of Anbar to stand and fight, join the police. We will soon be able to reduce our combat presence in Anbar because the alliances we have formed with the local leadership, the addition of police, and the maturing of the Iraqi Army will allow Anbar to be held by the people of Iraq who live in Anbar. That was made possible only because we added combat capability at a time when it mattered.

The biggest reason Anbar flipped is because al-Qaida was brutal when they were in the place. The people in Anbar, the Sunni Arabs, had a taste of al-Qaida life, and they did not like it. Al-Qaida engaged in some of the most brutal acts imaginable against people under their control.

They killed family members of the leadership. They went after people whom they considered to be a threat. They imposed a way of life and living on the people of Anbar Province that was unacceptable. Literally, al-Qaida overplayed their hand. At the time they were overplaying their hand, literally comes over the hill American combat power in a new fashion, more of it reconfigured. It was a magic moment where we moved out behind the walls, created joint security stations. Iraqi police and soldiers would live with American soldiers in joint security stations. So in your neighborhood, now you will have a joint security station not far away where there will be American soldiers, Iraqi police, and army units living together that will be there to protect you and your family. These joint security stations have been a fundamental change in policy militarily.

Counterinsurgency is about going into the areas where the insurgents dominate, militarily dislodging them but changing the dynamic on the ground so it would be hard for them to come back. If we will continue to support those who have broken from al-Qaida and joined us, then we will have a stable situation in Anbar that we could never have achieved under the old strategy. Because people break away from al-Qaida, does that mean they embrace democracy—Sunni, Shia, and Kurd coexistence? No. But it is a start. It means they have rejected a way of life that has no place on the planet for people like us.

My good friend from New York, we have found many things that we can work on in common. But here is something else we have in common. A Democrat from New York and a Republican from South Carolina are viewed the same by our enemy, al-Qaida. They hate us both. If they could kill us both, they would because we have agreed that whatever differences we have, they could actually be a strength. When we get into a dispute, we go to the courthouse; we don't go out in the street and start killing each other. In America, religious differences are not only accepted and tolerated, they are viewed as a strength.

There are three conflicts going on in Iraq. One is among the sectarian population in Iraq, the Sunnis and Shias and somewhat the Kurds. That conflict can only be resolved by the Iraqi people embracing what they have in common, accepting their differences as a strength, and rejecting this desire to break away. I think that can happen because there are enough Sunni, Kurds and Shias willing to die to make that happen that I am still optimistic.

We had our own Civil War. It is hard to get different people from different backgrounds to live together, but we are an example that it can happen. But it comes sometimes at a great sacrifice. So the sectarian violence in Iraq will only be solved by having enough control of the security to keep tensions down and trying to build political reconciliation.

During immigration, I learned a lesson. People get mad when you do hard things. They can say pretty awful things about you. I learned a lot of cuss words that I never knew before. That is what happens in American politics when you try to embrace hard issues. People get mad. That is democracy. It is about expressing yourself. You just pay the price when you do that politically. But the price we pay is being called bad names. It may affect your election; it may not.

In Iraq, if you want to find the middle ground, they try to kill your family. Remember how hard it was on immigration when all those phone calls flooded your office trying to tell us: You better not do this; you better not do that. Imagine trying to sit down at a table in Iraq to find common ground with someone who represents a side that just maybe killed your family.

I would argue that political reconciliation in Iraq is hard because it is hard here. It is harder there because of the security environment which has broken down. We would be wise to provide better security. That is the way to get political reconciliation.

The key to solving sectarian conflicts in Iraq is better security, more diplomatic pressure, economic and political aid, and pressure to get the Iraqis to live as one with some amount of autonomy. The Sunnis, the Shias, and the Kurds are finally going to figure out that you will have a better life living together than if you try to break away because if the Shias try to dominate and create an Iranian style theocracy, the Sunni Arab nations are not going to sit on the sideline. If you are a Sunni trying to take power back by the use of a gun, they are not going to allow you to dominate the country by the force of arms, and you are not going to be able to split away from the rest of Iraq and live in peace because your neighbors are always going to consider you a threat.

If you are Kurd in the north and you think you can live up there peacefully and ignore what is happening in the south, you have another thing coming because turmoil in Iraq will make your life difficult. If you think you can break away from the rest of Iraq and have a Kurdish independent state without consequences from Turkey, you are kidding yourself.

Each group really will one day figure out we are better off in terms of our long-term interest to find some common ground here on how we can live together. That is going to happen, but we have to control the violence better and we have to push them harder.

The second fight involves al-Qaida. I was on this morning with Senator OBAMA on the ''Today'' show. He said something I believe is absolutely correct: Reasonable people can disagree. The one thing I hope reasonable people can agree is that al-Qaida is very unreasonable. If you could find some common ground with this crowd, please let me know. I have yet to find a way to reach out to al-Qaida without getting your arm taken off. They don't have a plan that we can buy into. I don't think they have an agenda that any of us, Republicans or Democrats, can say: Let's work on some middle ground.

Their agenda for the world is not totally different from Hitler's agenda for the world. It is a religious-based, driven conflict. They have taken a religious view of life that excludes moderate Muslims, Jews, Christians, and anybody who disagrees with them, and they feel compelled by God to topple all forms of moderation. People who do not practice Islam, in their view, are just as bad as we are. They have an agenda to make sure that those folks in the Middle East who reject their religion really pay a heavy price. One, they will be dominated, and if they don't change, they will be killed. Hitler had the same view: If you are racially different, if you don't live under the thumb of the Aryan race, you will be worked to death or killed. Al-Qaida is no different. They have a religious agenda they are trying to impose on the world.

Am I worried about al-Qaida sweeping the world and conquering Washington? No. Am I worried about al-Qaida taking over all of Iraq? No. Here is what I am worried about: If we let the country break apart and we have chaos in Iraq, they flourish, al-Qaida flourishes, because they go to places where lawlessness reigns, where they can intimidate people, and it allows them to move their agenda forward. Their agenda is pretty clear: Where moderation raises its dangerous head, lop it off.

The reason they have come to Iraq is because we went there; that is partly true. But the real reason they have come is they don't want the people in Iraq to change course. It is not about us changing course. We have changed course. The old strategy of sitting behind a wall and training and doing nothing else has been replaced by an aggressive strategy of going out in the neighborhoods, finding the enemy, suppressing the enemy, forming new alliances.

Let me tell you their strategy. They are very much on message. Where they find moderation, they are going to go after it. If they can be perceived as having won in Iraq, then what happens to the world at large? Are we safer? The answer is no. What they will do then, by destabilizing this attempt at democracy in Iraq, they will move the agenda to the Gulf Arab States, not because I say so but because they say so. One of the big threats they see in the Mideast is the Gulf Arab States engaging in the world through commerce and basically having a tolerant form of religion. The ultimate prize for al-Qaida is not only to create a caliphate in Baghdad that would dominate the region religiously, it is to destroy Israel. I am not making this up. I am just regurgitating what they say.

The surge—the biggest change I have seen in Iraq has come in Anbar where literally 12,000 people have joined the police in 2007 at this date versus 1,000 for the whole year 2006. The reason I am encouraged is that people again have broken away, and they have associated themselves with a different way of living. They didn't like al-Qaida. They are trying to start over again. We are giving them a chance to do so. The alliances in Anbar and Diyala that are being formed could be long lasting to provide security.

The third conflict is with Iran. We passed a resolution not long ago—I think it was last week—that was a damning indictment of Iran. That resolution had a long list of activity that we unanimously approved to be happening. That activity was the Iranian Government, through the Kuds force, was actively involved in the IED business, trying to provide materials to insurgents in Iraq to kill young Americans in the most effective way possible. We have captured two brothers who were responsible for kidnapping five Americans and executing them, and we have found from that capture that the resources to plan that attack came from Iran. It was a very sophisticated attack. They had vehicles they made up to be like American vehicles. They had American uniforms on. They went into a secure compound, got through the security checks, went in, and captured five Americans working with Iraqis that day, took them off. They were going to kidnap them, but it all went bad and they killed them. We found the two brothers in charge. They have Shia connections. They are tied to the Iranian regime. They were getting much of their support from the Kuds force in Iran, the Revolutionary Guard. That is another conflict.

The question for us is, If we said in July we are going to withdraw in May of 2008, if that were the statement to be made by the Senate by the end of this week, I ask one question: If you were an al-Qaida operative fighting in Iraq, your life has been pretty miserable lately because Petraeus is all over you. We are killing them, capturing them, putting them on the run in a way never known before. That is why Zawahiri last week issued a call for reinforcements, because he understands his force is under siege in Iraq and things are not going well because the local people are beginning to turn on them. So he told his al-Qaida brothers: Hang in there. The winds in Washington are blowing our way. Hang in there. Help is on the way.

I would argue as strongly as I know how that if the Senate did pass the Levin-Reed amendment, which says within 120 days from now we are going to be withdrawing, that every al-Qaida operative who feels under siege would have a tremendous boost in morale. It would be welcome news to al-Qaida in Iraq. The Senate has declared this war over militarily. We are beginning to leave. You would say: Thank God, because right now your life is miserable because of this new alliance we have formed and new combat power we put on the ground.

To those who have sided with us in Anbar and other places, if you read in the newspaper the end of this week that the U.S. Senate declares withdrawal to begin in 120 days, all troops are out by May of 2008, it would be, in my opinion, a heartbreaking event to read about because you would wonder: Now that I have chosen a new course and I have openly stood against al-Qaida and Iranian involvement, what is going to happen to me and my family?

My good friend from Iowa has a different view of what happened in Vietnam than I do. Just as sure as I am standing here, al-Qaida would be emboldened if they heard we are going to withdraw beginning in 120 days. They would believe they are back into the fight and if they could just hang in

there, this thing is going to turn around in their favor. For all those who broke with al-Qaida and joined us, their biggest fears are they are going to get killed. And they will.

What would Iran say? Iran would look at America anew. They would believe, I think rightly so, that their strategy of a proxy war produced dramatic results because what they have been able to achieve is that this experiment in tolerant democracy, with an Iraqi spin on it, failed.

Why is the Iranian Government trying to drive us out of Iraq? Why are they helping extremists of all kinds defeat American forces? Why are they trying to undermine the Maliki government? My belief is, they understand if a form of democracy emerges on their border in Iraq, it is this theocracy's worst nightmare. So they are doing what they are doing for a reason. That reason, to me, is pretty obvious. They do not want any democracy to emerge in their neighborhood because it is a threat to the way they do business.

The reason al-Qaida goes to Iraq is they do not want moderation to take off anywhere.

So I hope and literally pray we will give General Petraeus until September to keep doing what he is doing, and that in September we will look at the evidence presented to us about the successes and failures of the surge.

If you keep an open mind, here is what I think you find in July: The surge has created a change in dynamic on the ground in Iraq beneficial to us and detrimental to al-Qaida, and that is undeniable. Does that mean all the problems in Iraq are over? No. The surge has not produced political reconciliation we hoped for. I do believe if we begin to withdraw, political reconciliation that we hoped for is forever lost because people begin to make decisions based on when we leave and what is best for their family, not what is best for Iraq.

If we begin to leave now, in July—make a public announcement we are beginning to leave—al-Qaida gets bolstered beyond belief. If we stay where we are in terms of a new strategy being implemented aggressively, I think by September the al-Qaida footprint in Iraq will be greatly diminished, and those areas where they dominated will be easier to hold because the Iraqis have made a commitment to hold they never had before, and they will have the capacity to hold. If we will continue to allow this general and these new troops to do their job, al-Qaida is the biggest loser. Simultaneously, we are going to have to push the Maliki government to do things they need to do.

If we continue to show strength, Iran will change their policy. If we show weakness to Iran and al-Qaida, this war does not end, it gets bigger.

In conclusion, it is not about coming home. We all want them home as soon as possible. It is not about heartbreak. We all share it. I have had many parents come up to me who have lost children in Iraq or spouses and tell me: Please, do not let them die in vain. They believed they could win. They believed in what they are doing. Give the rest of them a chance to win. I have had people come up and say: I think my son or daughter, my husband or wife, died in vain. Don't let anyone else die.

Senators REED and LEVIN believe that by setting a date to withdraw now, it will put pressure on the Iraqis to do things they have not yet done. I understand that. They believe that without additional pressure, the Iraqis will use us as a crutch. Fundamentally, I disagree with that concept. I think if you say we are going to withdraw now, in 120 days, it does not pressure the Iraqi politicians to do things quicker. It ensures they will never get done. It takes an enemy that is on the run and breathes new life into them. It takes an enemy called Iran and makes them bolder.

The signal you are trying to send has more than one audience. If the Senate tries to send a signal in July that we are beginning to withdraw in 120 days, and we will be out by May of 2008, the signal will be received by this group al-Qaida: We can do this if we hang in there. And the signal will be received by those in Tehran: We are going to drive America out. We have turned the corner when it comes to destroying this new democracy in Iraq.

Every moderate force that broke from al-Qaida, which is trying to stand up to Iran will feel like: My God, what is going to happen to my family?

If we choose to allow the military to continue this successful operation, stand behind them without equivocation, listen to them in September about what to do, I think we can build a security environment never known before in Iraq, and I think our best hopes of securing that nation, so reconciliation will one day occur, are achieved.

It is not about your patriotism; it is not about feeling heartbroken for those who have lost their lives. It is about how do you fight this war with an enemy that knows no boundaries.

My last thought: There has been a formula that has existed since the beginning of time that works. When people rear their ugly head and start talking about their neighbor having no place on the planet, when people start using religion as a way to dominate their neighbor, an excuse to dominate their neighbor, when people openly talk about destroying a particular ethnic group, or a particular race, or a particular religion, when they start doing that in terms of words and deeds, the rest of us who disagree need to stand up.

In the 1930s, too many people sat on the sidelines, ignoring the dangers of their time. The dangers of their time were Adolph Hitler and people like him who had no place on the planet for people who they believed were ''racially inferior'' or different in terms of the way they wanted to live their lives.

This enemy is saying things about fellow human beings that not only should be rejected in words, should be rejected by action. The action I am looking for, when it comes to the al-Qaida agenda, is to destroy it, to use every military force we have to destroy it, to align ourselves with people who reject it, and see this thing through.

God bless.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senator from Michigan and I wish to take a couple minutes while we make a unanimous consent request: that at least the majority leader's time will be from 10:50 to 11 a.m.; from 10:40 to 10:50 will be for the Republican leader; 10:30 to 10:40 will be for the chairman of the committee; and 10:20 to 10:30 will be allocated to me. I ask unanimous consent that be agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I think that is precisely what has been typed up, and that is our intent, that those last four 10-minute slots be allocated in the way the Senator from Arizona has proposed.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, finally, could I point out, during the entire night we have been basically going back and forth on both sides of the issue. I think all Senators who sought recognition were able to speak sometime during the night. I hope we would be able to continue going back and forth, unless there is a lack of speakers on this side.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, has that previous unanimous consent request been adopted?

The PRESIDING OFFICER. It has not yet been adopted.

Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. NELSON of Florida addressed the Chair.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand now the Senator from Florida is seeking recognition; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I ask unanimous consent that on this side, following the Senator from Florida, Senator BINGAMAN be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that following Senator BINGAMAN, Senator LAUTENBERG be recognized on this side—just on this side.

Mr. MCCAIN. Mr. President, I thank the chairman, and reserving the right to object, I would hope my colleagues would recognize that gives us an hour and 10 minutes until the unanimous consent agreement kicks in. I know there are additional speakers on both sides to take up that time. So I hope they would be economical with their views.

The PRESIDING OFFICER. Is there objection?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I advise my colleague from Michigan that I believe the Senator from New Jersey, Mr. LAUTENBERG, was here planning to speak before I spoke. So on the Democratic side it would be Senator NELSON, and then Senator LAUTENBERG, and then myself.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank Senator BINGAMAN for that. I was not aware of that. Let me revise the unanimous consent request. Before I do so, in light of what Senator MCCAIN has said, let me inquire of the Democrats—I say to Senator LAUTENBERG, if you could stay here for 1 minute. I am wondering if the Senator from Florida could give us an idea of the amount of time he needs.

Mr. NELSON of Florida. Whatever is the pleasure of my chairman.

Mr. LEVIN. Should we say up to 10 minutes each?

Mr. MCCAIN. Given the number of speakers, if I could say, I think maybe 10 minutes maximum, and I would add to that unanimous consent request that Senator CRAIG and Senator CHAMBLISS be added on this side in rotation. I think up to 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Well, I wanted to do like so many, to speak much earlier. Six a.m. was the time I had reserved, and it was believed then that we would have two or three people to fill an hour. I would like 15 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, let me now revise the unanimous consent request in this way: that Senator NELSON be recognized for up to 10 minutes, that Senator LAUTENBERG be recognized for up to 15 minutes, that Senator BINGAMAN be recognized for up to 10 minutes on this side, with alternating to the other side.

I say to the Senator I think that would leave 35 minutes to be allocated on your side.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, on this side, I ask unanimous consent to add to that unanimous consent request that 10 minutes each be allocated to Senators CRAIG, CHAMBLISS, and CORNYN. I think given the spillover, that probably will take up the remaining time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Thank you, Mr. President.

Mr. President, as I had listened to some of the debate, I wondered: Do we not have the ability with a significant majority in the Senate to come together on the differences that have divided us over the course of this debate throughout the evening? I think we do, if we would take off our partisan hats, if we would take off our ideological hats.

It is clear where the American people are. It is a truth you cannot sustain a war unless you have the support of the American people.

This impression is not only seared into me as a result of the reading of history, but it was clearly the case when I had the privilege of wearing the uniform of the country as a lieutenant and as a captain. It was during the Vietnam era. That was clearly a time in which the people of the country were split. The big difference then and now, in the treatment of the troops, is that everybody in the country supports our troops, and every Senator does, and we are amazed at their bravery, and we stand up and repeat that over and over. That was not the case back in Vietnam. That was not the case, where returning troops, unbelievably, sometimes, were spit upon. But that is not the case now.

The question is, how do you keep a bad situation from getting worse? And the question is not whether we support the troops; we do. It is the question: What is the policy set by the Government of the United States that those troops ought to be carrying out? How do we bring some kind of success out of a very bad situation?

Now, the rhetoric has been hot, and it has been intense, and it has been polarizing. The Levin-Reed amendment has been characterized as though we are going to pick up and walk out of Iraq. That is not what the Levin-Reed amendment says. It says we are going to start a process of withdrawal, but troops are going to stay in Iraq to go after al-Qaida—which is clearly there now as a result of us having been there for the last 4 years—to go after al-Qaida, to provide force protection for the Americans who are there—which would also mean providing border protection—and to train the Iraqi Army. That is not a pack up and withdraw. The philosophy of the Levin-Reed amendment, which this Senator supports—and last Friday I gave the history of how I have come through all of these votes since that vote in the fall of 2002 to authorize the President to expend moneys for prosecuting a war—the question for us has been, how do we bring some success?

Now, in fact, we look at this as if Iraq is monolithic. It is not. It is many different things. It is a concentration of Kurds in the north, a concentration of Sunnis, and some mixture with Shiites, in the middle, and a concentration of Shiites in the south. We are having success with the surge in the western province of al-Anbar, but that is because it is primarily Sunni, and that is because the real enemy there is al-Qaida. Indeed, the surge of the Marines is having success, slowly but having success.

But remember, Iraq is many things and many faces. That is not the case in Baghdad because in Baghdad what you have is a sectarian warfare that has been going on for 1,327 years between Sunnis and Shiites that has, in effect, become a civil war.

When Senator COLEMAN and I were in Baghdad meeting with the foreign national security adviser, Dr. al-Rubaie, before Christmas, he said: This not a sectarian war. This is Baathists trying to take back over their control.

We could not believe he would make that statement when it was so obvious, and it has been so obvious, that it is Sunnis on Shiites and Shiites on Sunnis, and some Shiites on Shiites, and some Sunnis on Sunnis.

In the middle of that chaos of a civil war, a surge may have a temporary appearance, but at the end of the day, it is not going to work. A surge will work in Anbar.

So let's be clear that when people make extreme statements, what we are talking about is a very complicated situation.

Now, do we think we are going to continue to be full bore in Iraq in another 2 years, another 3 years? Do we really think the American people are going to put up with that? No. The Levin-Reed amendment, which this Senator supports—and it took me a long time to get here, Mr. President—is a recognition of the practicality on the ground: withdrawing ourselves from the middle of a crossfire of a civil war and, instead, consolidating our positions to train the Iraqi Army, to continue to go after al-Qaida, and to provide force protection.

So at the end of the day, we can all get together. You can probably have two-thirds of the Senate all coming together. One particular approach is we ought to be doing it around the Levin-Reed amendment, but it doesn't look as if we are going to. Later on down the road, the Presiding Officer, the Senator from Colorado, and I are cosponsors of another kind of amendment around which people could consolidate and unite. Sooner or later, we all are going to have to come together.

Thank you.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask that the Chair notify me when I have 1 minute left.

The PRESIDING OFFICER. The Chair will do so.

Mr. CHAMBLISS. Mr. President, I begin today by saying that I oppose the Levin-Reed amendment, and I urge my colleagues to do the same. I oppose the

amendment for three important reasons: First of all, I believe the amendment unconstitutionally usurps the power of the Commander in Chief. Secondly, the amendment tells our enemies when they can take over in Iraq. Thirdly, the amendment is the wrong approach at the wrong time.

Also, I wish to focus on what we are missing by spending unnecessary time last night and today debating this amendment. We have had a Defense bill pending before the Senate now for a week and a half and have yet to discuss this bill in substance.

The bill which we have yet to make any real progress on does the following things for our men and women in uniform: First of all, it authorizes a 3.5-percent pay raise for our men and women in the armed forces. It authorizes additional tools for combating post-traumatic stress disorder and traumatic brain injury and provides improved health care benefits for our injured warriors. It takes new steps to recognize the contributions of our Reserve Forces through increased retirement benefits and robust reintegration programs. It tightens our acquisition processes, our contracting policies, and increases benefits to our civilian personnel. It increases the amount of leave our military personnel can carry over, a provision which DOD strongly advocates as a way to increase the morale of our troops. It authorizes $4 billion for mine-resistant vehicles and critical MRAP vehicles that we need so desperately to protect our men and women. It authorizes $135 billion for allowances, bonuses, death benefits, and permanent change of station moves. It authorizes payment of over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by Active-Duty as well as Reserve military personnel. It fully funds the President's budget request for the Army's future combat systems and adds $90 million for the Armed Robotic Vehicles. It authorizes $775.1 million for reactive armor.

I could go on for a long time cataloging the good things in this bill that we are not talking about. We are not focusing on them because of the time we have spent yesterday, last night, as well as today, focusing on this amendment, which we could have dealt with several days ago. This side of the aisle has been prepared to vote and we have been asking for that vote, yet that vote has not taken place.

I think it is important to keep in mind the people who are on the receiving end of the decisions we make and the votes we take in this body; that is, the American soldier, sailor, airman, and marine who is out there doing what we have asked them to do in service to our country.

I appreciate the comments last night of the Senator from Connecticut, Mr. LIEBERMAN, regarding my good friend, General Lynch, who commands the 3rd Infantry Division at Fort Stewart, GA, and Task Force Marne in Baghdad. General Lynch and his troops are in harm's way as we speak—right now—executing the duties and the responsibilities the American people have asked of them. General Lynch recently commented that the addition of thousands more surge troops in the recent weeks has enabled him to clear insurgents in 70 percent of his territory south of Baghdad. I would like to share a few of General Lynch's comments regarding his mission and the work in which his troops are involved.

Regarding the effects of ceasing the current strategy now in place, General Lynch has said the following:

> You'd find the enemy regaining ground, reestablishing sanctuary, building more roadside bombs, and the violence would escalate. It would be a mess.

Regarding the current mindset of the Iraqi people that he encounters, General Lynch has said:

> What they are worried about is our leaving, and our answer is: ''We're staying.''

Regarding our need to stay and keep doing what we are doing, General Lynch has said the following:

> We need these surge forces. They came in for a reason. They are being used for the reason they were sent to be used for.

These comments by General Lynch and the perspective he shares from Iraq is that it would be a mistake to give up on the President's strategy now. That is why I oppose the Levin- Reed amendment.

Months ago, some in the media declared Al Anbar Province lost. Ramadi was declared by AQI—al-Qaida in Iraq—as the capital of AQI. Today, it is clear that they were wrong and that the President's new strategy has effectively turned Al Anbar around.

I was in Al Anbar 2 months ago, and I have to say I was significantly impressed by the job General Gaskins and his folks are doing. We were able to take a convoy ride to the middle of downtown Ramadi. We were in a safe and secure setting for the first time in years, in that community. We saw children returning to schools. We saw markets open. We saw people walking on the streets for the first time in years. People now felt safe and secure because al-Qaida has now been cleared out of Ramadi and out of virtually every inch of Al Anbar Province. The surge is working in Al Anbar Province and in the self-declared capital of al-Qaida.

The last elements of the troop increase that the President proposed back in January became operational in Iraq on June 15. Let me quote retired Vice Chief of Staff of the Army Jack Keane, who has been critical in the right ways and positive as well as other ways about Iraq—a good man, a good soldier. Here is what he said:

> It is my judgment the security situation is making steady, deliberate progress and it will continue to make progress as we go on through the rest of the summer and into the fall. The thought of pulling out now or pulling out in a couple of months makes no sense militarily in terms of what we are trying to achieve, and that is providing security and stability for Iraq so that we can make some political progress.

If there is one strategy that does not make sense at this point either militarily or politically, it is signaling to the enemy, during a time when we are making early progress in establishing security and laying the grounds for reconciliation, that we are leaving and that they can have the country. This is an extremely ill-advised approach for which the United States, the Middle East, and especially the Iraqi people will pay dearly for decades to come.

I have never been more convinced that waiting for General Petraeus's report in September was more right than yesterday afternoon when two young Georgia veterans, Tripp Bellard and Ruben Maestre, visited my office. I wish every Member of this body could have heard the passion and the emotion and the strength in their voices. Their resolve was clear, yet they were humble and forceful at the same time. I say to my colleagues, these men implored me to speak out. They said that America needed unwavering leadership now more than ever. They could not have been more clear when they said that pulling out of Iraq now would mean chaos and would have implications for our troops and for the Nation that would be beyond horrific. These were men who had been deployed to Iraq more than once and not for a few months. These were men who have been on the ground and who fervently echoed what I have heard without exception on every single trip I have taken to Iraq, from my first trip several years ago to my last one just 2 months ago. I have heard it from privates, and I have heard it from generals—that we must not leave prematurely and that we must not act prematurely.

I wish to relate another anecdote about a conversation I had with a young female Army soldier. I had lunch with her in Ramadi. She is a Georgian with whom I had a very delightful conversation about a number of issues. But I asked her: Why in the world did you join the Army 3½ years ago in the face of the ongoing conflict in Iraq? She said: Senator, my life was not—I was not accomplishing in my life what I wanted to accomplish. I needed to head in a different direction. I felt like serving my country was something that I could do. She then said: Senator, I signed up in the face of Iraq knowing that I would go to Iraq. This is not my first trip to Iraq; it is my second tour of duty in Iraq. I know I am here for the right reason. I know the mission we have to accomplish. I am prepared to accomplish that mission because it is necessary and it is the right thing to do. As I visit with the people of Iraq here in the streets of Ramadi on a daily basis, I am reminded of what freedom is all about.

Boy, you talk about emotion. You talk about a great young American. Those folks are truly great Americans.

There is no better commentary on the status in Iraq than the men and

women who are on the ground, and they are all telling us loudly and clearly that now is not the time to leave, nor is it the time to judge the strategy. The right time to evaluate the strategy is September, and the right time to give our forces what they deserve, by passing the National Defense Authorization Act, is now.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I am sure that what is taking place on the floor of the Senate must present a terribly confusing picture to the American people. It is hard to understand even being here, with colleagues shouting their support for the American troops while they inject that what they need is an injection of truth serum for the vote. Then it will be plain and simple to see where they are, those who are opposing a direct vote, an up-or-down, as we call it, to take place, and that will answer the question: Do you want our soldiers, airmen, seamen, and marines returned home, as the American people are demanding? I remind our friends that the obligation is to get our people back to their families as soon as possible.

Outside my office, I pay respect to America's lost soldiers, our casualties of war, in a display called the ''Faces of the Fallen.'' It gives a picture and some background of the soldiers who gave their lives in this ill-conceived and seemingly endless war in Iraq. Every day, families, friends, and visitors search through thousands of photos looking to see if there are people they know, while they try to comprehend the human cost of this war to parents, spouses, children, siblings, and friends across our country.

Four years and 4 months have passed since President Bush sent young American men and women to fight in a war based on faulty intelligence and incomplete information about an enemy and the scope of this ferocious conflict. Now 160,000 American men and women are mired in a civil war in Iraq, facing thousands of insurgents willing to die themselves while they try to kill any American they can find.

Mr. President, 3,613 brave American souls will never again sit at a family table, play with their children, or return to their jobs and their communities. Ninety-one of those men and women came from New Jersey. They set their boots on the ground in Iraq never expecting they would not put them back on American soil again. Now their faces and their stories live on only in our memories.

But the solemn story those numbers tell does not stop there. Nearly 27,000 troops have left combat with wounds to their body. More than 800 of them have lost limbs or sight or other senses. Many more have left with their minds totally impaired. More than 30,000 soldiers now live with post-traumatic stress disorder or brain injuries, robbing them of the ability to think clearly or perform tasks that once came easily. They put themselves in the line of fire and fought to give the President's policy a chance, but the policy has failed.

It was more than 3 years ago that the President, in military dress, staged on the deck of the aircraft carrier USS Abraham Lincoln, proudly declared ''mission accomplished.'' Mission accomplished? A declaration of victory in millions of American minds? How casual. How cruel. How inept. The President did this without hesitation or pause or the idea of the cost soldiers would come to endure in the future and the hellfire they would face. There were 139 American soldiers who had died by that date, by the day that ''mission accomplished'' was declared. Compare that with today's count, which stands above 3,600. Mr. President, 139 American soldiers then—''mission accomplished''—and now the death toll is over 3,600. ''Mission accomplished''—a show of grandeur, a curtain of disaster, misleading, and I don't know if the President really understood what was taking place in front of his eyes.

Today, the President continues to use statements that defy reality. Vice President CHENEY joined in. He said in those times, ''We will be greeted as liberators with sweets and treats,'' with not a hint of intelligence available before that. Today, the President continues to use statements that defy reality. We have to look back a little bit to see when Secretary of Defense Rumsfeld said this war could last 6 days, 6 weeks, perhaps, I doubt, 6 months. He said that in February of 2003, a month before the invasion. What were they thinking? It is hard to understand. They were getting intelligence. They had the best information available, and they didn't use it.

Just last week, the President said:

> The same folks that are bombing innocent people in Iraq were the ones who attacked us in America on September 11th.

This statement smacks of the same careless rhetoric we heard 4 years ago. The most frightening part about that statement is either President Bush actually believes what he is saying, doesn't bother to check, or is he deliberately distracting the American people?

The fact is that Osama bin Laden and al-Qaida attacked us on 9/11 and Iraq had nothing to do with the tragedy of 9/11. The Defense Department's own inspector general confirmed this past February that the Saddam Hussein regime was not directly cooperating with al-Qaida before the U.S. invasion of Iraq. Has the President forgotten about Osama bin Laden, the man responsible for inflicting those wounds on the victims, their families, and this country? The war with al-Qaida and the hunt for Osama bin Laden began and continues outside of Iraq. Yet Osama bin Laden is still at large, and al-Qaida has become stronger as a result of President Bush's failed policies.

This administration took its eye off the ball. Instead of capturing or killing Osama bin Laden, we are stuck in the middle of a civil war in Iraq with ever-escalating American casualties. That is why some of us in this Congress believe deep in our minds and in our souls that this carnage must end and we have to fight to bring our troops home from Iraq. We are fighting with our colleagues on the other side of the aisle who are giving us reasons to continue with the surge and continue with the exposure in harm's way of our brave men and women.

Millions of Americans are begging us for a change of course. They are tired of having their sons and daughters coming home in flag-covered coffins—coffins that are hidden from the public eye by order of the Pentagon. They don't even let pictures be taken of those flag-draped coffins showing the honor that is bestowed upon the person in that coffin.

The American people want Congress to step in and start to bring our troops home in a responsible way. The amendment by Senators LEVIN and REED would do just that. It would begin to redeploy our troops out of Iraq within 120 days and remove all combat troops by the end of April of next year. Some American forces would remain to perform counterterrorism operations, protect U.S. personnel, and to train Iraqi forces.

This amendment reflects the will of the American people, and it is a responsible way to phase our troops out of the civil war in Iraq. But instead of having a vote to decide where a majority of the Congress stands, our colleagues on the other side of the aisle are standing in the way. They are resorting to process to keep us from having a vote so that the American people can see very clearly where we each stand on this issue. So we stayed here all night. That is not much of a sacrifice; that is not much when you consider our people in Iraq and Afghanistan.

Soon, every Senator will go on record, and their constituents will know whether they want to continue the President's failed policy or are they looking for a new, brighter day, a chance to bring our people back to their families?

Some of our colleagues on the other side have called for change. If you look at recent votes, seven of them had the courage to stand with the Democrats and say: Yes, we agree that this conflict has gone on long enough and we ought to start doing something to bring them home. But with the President dug in on staying the course, saying the right thing is not enough. Change will only come with a vote.

So I ask my colleagues to stand up and support the Levin-Reed amendment so we can begin to bring our men and women home. Let the American people hear our sincerity, and they will when they see procedural attempts to hide this vote and obstruct the return.

The slogan they are using is ''cut and run.'' The result would be ''stay and die.''

I yield the floor and the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I stand in front of a desk in which a former Idaho senator by the name of William E. Borah stood. He was renowned for a variety of things after the turn of the 19th into the 20th century. He was an outspoken isolationist and opposed Woodrow Wilson and led the battle to destroy the League of Nations. He was successful. We never joined the League of Nations. America came home from World War I, pulled up its bridges and it remained a relatively isolated island in a world until World War II.

We know times have changed. We also know that great debates about foreign policy have occurred on the floor of the Senate down through the centuries. We have had a very valuable debate over the last 24 hours in large part about foreign policy but in a surprising way about military tactics.

There is one role that we play here in the United States Senate and that role is a political role, it is not a military role. Not 535 generals. There are a few of us—I'm not one of those—who've had extensive military experience and who might have the kind of strategic knowledge necessary to make decisions that are general—that our generals could and are making on the field at this moment. But I am always suprised when we decide to become tacticians, when we decide to use the floor of the United States Senate as a command center, when we meet in secret rooms around the Capitol to decide how troop movements out to happen and what the rules of engagement ought to be. No, we shouldn't be playing that role. That's why when we confirmed General Petraeus unanimously in the Senate, we said to him very clearly, you go to Iraq in relation to a surge that is being implemented and you come back to us and give us your honest and fair assesement in September.

So why then the last 24 hours have we been deciding or trying to prejudge Petraeus, to jump in front of him acting like the general that he is and the general who is on the ground in Baghdad as we speak? It is raw politics. That's what it is all about. And that's what you have seen played out here in the last 24 hours. Now, I would be the first to tell you that good politics sometimes doesn't produce good policy, especially if you're reacting at the moment—if you are reacting at a snapshot of a polling data where the American people are reacting because they have been fed information instantly about something that may or may not be true in the broader perspective.

But that's what we're doing here, and that's what we do best. But let me suggest that sometimes good policy—so why then the last 24 hours have we been deciding or trying to prejudge Petraeus, to jump in front of him acting like the general that he is and the general who is on the ground in Baghdad as we speak? It is raw politics. That's what it is all about. And that's what you have seen played out here in the last 24 hours. Now, I would be the first to tell you that good politics sometimes doesn't produce good policy, especially if you're reacting at the moment—if you're reacting at a snapshot of a polling data where the American people are reacting because they have been fed information instantly about something that may or may not be true in the broader perspective.

But that is what we're doing here, and that is what we do best. But let me suggest that sometimes good policy—good politics does not in the long term produce good policy. It is with that point in mind that I hope that the Levin-Reed Amendment goes down that it doesn't gain the necessary votes to proceed to a final vote.

We ought to be focused on the content of the National Defense Authorization Act and all that it means to our country and to our veterans because of a variety of key amendments that have been placed in this very important document. And I think that America, if they've been watching C-SPAN for the last 24 hours have not heard one word or very few words about the embodiment of this bill and its value and what it will do to the long-term stability of our military and the care of our veterans.

I was once chair. I am now Ranking Member of the Veterans' Affairs Committee and Senator AKAKA and I have put a very large and valuable amendment in there that deals with traumatic brain injury and the extension of eligibility of the eligibility of care as we work to create a seamless environment between men and women coming out of our armed services and becoming veterans and becoming eligible for the care that our Veterans Administration can provide for them. Mental health evaluations, trying to get ahead of traumatic brain injury that may not manifest itself for months and years after men and women come out of the armed services. Dental care for our returning service members and homeless programs and all other kinds of things are embodied in this very important legislation.

So, I say to my friends on the other side of the aisle, you have had your 24 hours of politics. Now I hope we can have a vote, move on, and get to the final passage of the Defense Authorization Act that is so important to our country in the short term and in the long term, and I would hope that this Senate shows some consistency in what we do, and that consistency would be to wait until September in what I think will be a fair and honest and factual evaluation by General Petraeus as to the situation, the current environment and the future in Iraq. And at that time, as a United States Senator representing the State of Idaho, I am prepared to make decisions that are different than those today as it relates to our involvement in Iraq, if the facts so demonstrate it.

General Petraeus has a lot of credibility, not only with this Congress but with the American people and the polls are showing that. While Americans are very frustrated over the war in Iraq, they don't want to cut and run at this moment, and that's what Levin-Reed is all about, cutting and running.

And what happens if we do that? What happens if we don't find a strategic way out? It is important that we put ourselves in perspective of the world that involves Iraq and its surrounding neighbors. You have heard a lot of rhetoric about the instability, about the role of Iran and certainly what's going on in the north here with the Kurdish population and what Turkey is doing, amassing troops along this border. You've heard about what's going on in Lebanon and certainly the traumatic reality that is happening there. Premature withdrawal from Iraq would risk, I believe, plunging this—that Nation into chaos which could spill over its borders into the gulf region that you see here.

Iran, which is a threat to vital U.S. interests and continues to provide lethal support to Shia militants who target and kill U.S. troops and innocent Iraqis, would exploit our premature departure to dominate and control much of Iraq. Here they are, a very large nation with very powerful forces and resources, just waiting for the opportunity to fulfill their historic Persian vision of the region.

Tehran's terrorist proxy to Hezbollah continues to foment in instability in Lebanon. They've already leapfrogged Iraq. They're over here, creating tremendous influence in that region. Hamas, another Iran proxy, continues to kill and maim innocent Israelis and Palestinians and is attempting to establish a jihadist state in the Gaza.

Here we are—another leapfrog over Iraq. Iraq is simply in the way of Iran. It's quite plain. It's quite simple. And it is very visual when you look at the map. And without some stability in Iran—in Iraq, the ability of it to control itself and its borders, the ability to govern itself, the reality of what could happen in the region is in fact dramatic consequences, a collapse, a major war within the region, not only a civil war within Iraq but the ability of Iran and Syria to exploit the situation that would occur there. Tehran would extend its destabilizing activities to another very important part of the region—Kuwait—and the oil-rich regions of eastern Saudi Arabia along this border here, one of the larger producing oilfields in the region and the kingdom could well fall. And those are the realities we face at this moment that I think few want to talk about. Let's talk about another consequence.

I will put the balance of my statement in the record. But the other consequence, Mr. President, that we've not

talked about is what happens when 54 percent of the world's oil supply goes to risk with a collapse of the region. And this is a reality check that we only talk about in hushed terms, because we don't like to talk about our dependency on a part of the world that is so unstable. With those thoughts, I yield the floor.

What happens to the world energy supply if Iran does gain more control in the Middle East? What are the realities of the consequences of an Iran that possibly could gain control over 54% of the world energy supply? They could place a choke hold over the Strait of Hormuz and possibly in sea lanes in the region, severely limiting the supply of oil to the world market. That is not just a reality that the United States must face, but a reality for the world. I have worked very hard with my colleagues to lessen the U.S. dependence on foreign oil. However, we are not yet capable of raising production in the United States because we have been blocked by the other side of the aisle from doing so. Therefore, a premature withdrawal from Iraq could have dire consequences with our economy and energy supply; but would also have the same effects on the world economy.

The facts are, Mr. President, that the war we are fighting in Iraq has serious and real national security implications and we cannot prejudge our best and brightest military commanders by playing politics with their duties and best judgement. We should not preempt General Petraeus's progress report coming in September and I hope that the Senate will go on record today as saying we are not a body of generals, we do not know best how to conduct a war and determine how many troops it will take to secure Iraq. I hope that my colleagues will join me in voting down Levin-Reed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, in October 2002, this Chamber gathered to consider one of the most serious decisions I have been involved in confronting in the 25 years I have been in the Senate. That was a decision on whether to grant President Bush authority to invade Iraq. At that time, nearly 5 years ago, I opposed the invasion of Iraq, believing that it was necessary to give the United Nations weapons inspectors the time they needed to determine whether Iraq did, in fact, possess nuclear, chemical, and biological weapons. I believe that we needed to gather the facts and we needed to make an informed decision as to whether Iraq posed such a terrible and immediate threat to our country that regime change was warranted. As we all know now, the weapons of mass destruction were nowhere to be found.

Unfortunately, the weapons of mass destruction were not the only thing the President, the Vice President, the Secretary of Defense, and other members of the administration were wrong about when it came to beginning this war. They were also wrong in thinking that we could succeed in Iraq without substantial help from our allies. They were wrong to reject warnings that the invasion would fracture Iraq's delicate sectarian balance. They were wrong to dismiss legitimate questions about how we would rebuild Iraq's civil society. They were wrong to think that Iraq's neighbors, Iran and Saudi Arabia, in particular, would ignore their opportunity to fill a regional power vacuum after the collapse of Saddam Hussein's regime. They were wrong to promise the American people, as Secretary Rumsfeld's assistant, Ken Adelman, did, that Iraq would be a ''cakewalk.''

My statement at that time, nearly 5 years ago, was the following:

> If war must be waged, other countries should be there with us sharing the costs and helping to restore stability in what will almost certainly be the tumultuous aftermath of military action.

Mr. President, ''tumultuous'' only begins to describe the calamity we face in Iraq today. Almost 5 years have passed since that October day. Five years is longer than it took Presidents Roosevelt and Truman to defeat the Axis Powers in World War II.

Today, Iraq is diverting the United States from other very important foreign policy matters. First, of course, it is diverting us from the fight against terrorist networks worldwide. Second, it is diverting us from responding to the rise of China as a world power. Third, it is diverting us from reducing our dependence upon fossil fuels and particularly lessening our dependence on foreign sources of energy. Fourth, it is diverting us from keeping our country economically competitive during this era of globalization.

Respect for America around the world has eroded dramatically as a result of this war. To many around the world, the symbol of our country today is no longer the Statue of Liberty; instead, it is Abu Ghraib.

President Bush and Vice President CHENEY often tell us that we are in Iraq to fight the terrorists who attacked us on September 11.

In his 2003 State of the Union speech, the President told us that Saddam ''aids and protects'' terrorists, including members of al-Qaida.

In 2004, the Vice President promised ''ample evidence confirming the link . . . between al-Qaida and the Iraqi intelligence services.''

In 2005, the President said:

> They are trying to shake our will in Iraq, just as they tried to shake our will on September 11.

In March, Vice President CHENEY said:

> Iraq's relevance to the war on terror simply could not be more plain. . . . As we get farther away from 9/11, I believe there is a temptation to forget the urgency of the task that came to us that day.

Just last week, as many speakers have reiterated, President Bush said:

> The same folks that are bombing innocent people in Iraq were the ones who attacked us in America on September 11th.

So the administration has been consistent in its formulation of this problem. The truth is, Saddam Hussein had nothing to do with 9/11. He did not support al-Qaida before September 11, and al-Qaida had no presence in Iraq prior to that date. Saddam Hussein was a brutal dictator, but his regime posed little immediate threat to the United States or its allies. The Baath party, as a secular Arab nationalist movement, had no history of cooperation with al-Qaida or other Islamist movements.

The truth is that al-Qaida's offshoot, al-Qaida in Mesopotamia, is in Iraq today because of our decision to invade. As the Washington Post pointed out recently, al-Qaida in Mesopotamia is an Iraqi phenomenon. Its membership is largely Iraqi. It derives its primary financing indigenously from kidnappings and other criminal activities. And those terrorists and would-be terrorists who have come to Iraq from other countries would not have been there absent this conflict.

Al-Qaida in Mesopotamia thrives over Sunni grievances over our occupation of that country. Our continued occupation of that country is its best recruiting tool.

President Bush has treated terrorism as a monolith. As David Kilcullen, a counterterrorism analyst, has written, the President has lumped together all terrorism, all rogue states, all strategic competitors.

Lumping every dangerous terrorist movement together profoundly misconstrues the nature of terrorism and, in fact, encourages eclectic groups to collaborate. It places our Nation in greater jeopardy, not less jeopardy.

So the question today is, where do we go from here?

The fundamental problem in Iraq today is not a lack of U.S. troops; it is an absence of national reconciliation. The U.S. role in Iraq should not be to police an endless civil war. Rather, it should be to facilitate a settlement among the parties themselves.

The President has belatedly realized that we did not marshal enough troops to stabilize Iraq following our invasion in 2002. But today, merely adding troops is not the solution. The administration's ongoing troop surge is unlikely to prove effective absent a broader political settlement.

If current trends continue, our policy will be, de facto, one of siding with the Shia over the Sunnis. The Shia-led government knows this. It has, therefore, played for time by clinging to the status quo, by dragging its feet on national reconciliation. The Shia-led government has shown little sign that it appreciates the need for accommodation of national minorities. It has missed the most important milestones that have been identified by the Iraq Study Group and by this Congress.

The administration's own benchmark report released several days ago reports unsatisfactory progress on debaathification, on passage of an oil law, on holding provincial elections, on disarming militias. The Iraqi Constitutional Review Commission has failed to make adequate progress.

There has been progress on other benchmarks. I welcome that progress. But these were second-order issues compared to the challenge of national reconciliation. And the bloodshed continues.

Going forward we need to focus on two objectives.

First, we need to send the Iraqi ruling elite a crisp and credible signal that our commitment to maintaining forces in that country is not unconditional. Only by making this point loud and clear do we create the possibility that the Shia-led government will take the painful steps necessary toward national reconciliation.

The U.S. has a moral responsibility to do what it can to create a degree of political stability in Iraq. But I repeat the key phrase in that sentence, ''do what we can,'' for we can do no more.

Our commitment to Iraq is not open-ended. We cannot impose a political settlement without the cooperation of the political elites in the country. The Iraqis themselves must want a solution.

Second, we need to draw down U.S. troop presence in a responsible way. Too precipitous a withdrawal will undermine the credibility of America's commitment to facilitating a political settlement in the country. We need to provide a carrot by allowing for the continued presence of U.S. forces in a peacekeeping capacity if the Iraqi Government does bring about some measure of national reconciliation.

It is because of these two principles that I supported the first supplemental appropriation this spring. That legislation set a firm date for beginning withdrawal. That was the stick.

It set a date for completing withdrawal. This arrangement left open the possibility of leaving some U.S. peacekeepers in Iraq if, ultimately, the factions forged a political settlement. That was the carrot.

This approach remains sound today. And today, with these objectives, in mind, I would urge five steps that we must take in Iraq.

First, we need to announce a firm deadline to begin a drawdown of U.S. troops from Iraq.

The credible threat of a withdrawal, perhaps more than withdrawal itself, may convince the Iraqi ruling elite of the need to accommodate national minorities. The mere threat of a withdrawal says that our commitment to Iraq is not unconditional. It proclaims that we will not preserve the failed status quo.

I applaud my colleagues, such as Senator LEVIN, Senator REED and Senator FEINGOLD, for fighting for a firm deadline. They may disagree on the specifics of withdrawal.

But they do agree that if they do not continue to push for a firm timetable, the Bush administration will cling to that failed status quo.

The fact that the administration is even considering alternatives is a direct result of our decision to push for some change in direction by a specific date.

Second, we must form a multinational working group to discuss the way forward in Iraq.

It is crucial for Iran, Saudi Arabia, and Turkey to be involved. They have historical and religious links to national minorities in Iraq. They have the most to lose by continued instability there. We cannot achieve any political settlement in Iraq without their active participation.

Third, this group—not the Iraqi Government—should convene a Dayton-style multinational conference to help Iraq's factions forge a political settlement.

Fourth, such a settlement would provide for a negotiated withdrawal of U.S. combat troops, as the Iraq Study Group prescribes. If appropriate, other U.S. troops could stay, ideally as part of a multinational or U.N. peacekeeping force.

Finally, we should implement the other recommendations of the Iraq Study Group, including using our good offices to mediate other conflicts in the Middle East, including the Israeli-Palestinian conflict. President Bush should begin by appointing a special envoy to the region, and I applaud his announcement yesterday of a resumption in aid to West Bank Palestinians.

I conclude my remarks by saluting the servicemen of my home State who have given their lives while answering our Nation's call to duty in Iraq.

I have asked the Pentagon for an accounting of all New Mexican service personnel who have died in Iraq to this date, and that is the accounting I will go through at this time.

While the people of New Mexico and of our entire Nation mourn their loss, we will always celebrate the lives they led and the sacrifices they made for our country.

Marine LCpl Christopher Adlesperger, 20, of Albuquerque, NM, attended the University of New Mexico before joining the Marine Corps in 2003. He was posthumously awarded the Navy Cross for his actions in Fallujah on November 10, 2004.

SGT James Akin, 23, of Albuquerque, NM, is quoted by the Albuquerque Tribune as saying, ''Live life to serve, because you can. Dissent, because you can. Enjoy freedom, because you can. Remember always that the measure of our progress is not whether we can provide more for those who have plenty, but whether we can provide enough to those who have little.'' He is survived by his wife and his father.

SGT Matthew Apuan, 27, was a 1998 graduate of Mayfield High School in Las Cruces. He was on his second tour in Iraq when he died near Baghdad on February 18, 2007.

LCpl Aaron Austin, 21, a Lovington, NM, native, was killed in Fallujah, Iraq, on April 26, 2004. Austin proposed to his girlfriend over the phone from Iraq while on his second tour of duty.

PFC Henry Byrd III, 20, of Veguita, NM, graduated from Belen High School in 2004. Before enlisting, Byrd was a volunteer firefighter in his community.

CPL Lyle Cambridge, 23, of Shiprock, NM, and a member of the Navajo Nation, joined the Army in May of 2002. After his death in Baghdad on July 5, 2005, Lyle's sister said she couldn't remember ever seeing her brother mad. One of her fondest memories of her brother is that he bought his older sister a new Easter dress every year.

SP Roberto Causor, Jr., 21, was assigned to C Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, in Fort Bragg, NC. He died on July 7, 2007. His parents reside in Rio Rancho, NM.

Marine LCpl Steven Chavez, 20, was born in Hondo, NM, and graduated from Hondo High School before entering the Marines. Chavez loved the outdoors and participated in track, basketball and football while at Hondo. Chavez was killed about a week before he was set to return home.

SPC Jeremy Christensen, 27, of Albuquerque, NM, was already a veteran of the Armed Forces on September 11, 2001. He decided his country needed him again and reenlisted. A coworker said the 27-year-old told him that he was ready to go to war and he wasn't scared.

CPL Joel Dahl, 21, of Los Lunas, NM, had searched for a family during his teen years in the foster care system. Dahl was excited to finally have a family of his own when he learned of his wife's pregnancy. Corporal Dahl was killed in Baghdad, Iraq, 5 days before the birth of his son.

1LT Jeremy Fresques, 26, was a 1997 graduate of Farmington High School. His wife Lindsay requested that people remember her husband as ''a strong Christian man, a good husband, and someone we can all be proud of.''

Marine LCpl Jonathan Grant, 23, was raised by his grandmother in Pojoaque, NM. Grant left behind a fiancee, a young daughter, and a young son.

SGT Tommy Gray, 34, of Roswell, NM, is remembered by his mother Joyce as having a passion for fishing and comic books. Sergeant Gray was in the Army for 15 years and is survived by his wife Rene.

Army LTC Marshall Gutierrez, 41, a native of Las Vegas, NM, died in Kuwait of non-combat related injuries on September 4, 2006. Gutierrez, a 1983 graduate of West Las Vegas High School and a 1987 graduate of New Mexico Highlands University, was assigned to the Area Support Group in Arijan, Kuwait.

Marine LCpl Shane Harris, 23, was always willing to do anything for anyone, according to his coworkers. The Las Vegas, NM, native was killed in combat in al-Anbar Province, Iraq, on September 3, 2006.

Marine LCpl Chad Hildebrandt, 22, of Springer, NM was killed conducting combat operations against enemy forces in al-Rutbah, Iraq, on October 17, 2005. Classmates described Hildebrandt as a role model to younger students.

SPC Alexander Jordan, 31, died on September 10, 2006, of injuries caused by enemy small-arms fire while he was conducting a mounted patrol in Baghdad. Jordan, whose father lives in Rio Rancho, attended Cibola High School in Albuquerque and the New Mexico Military Institute in Roswell.

SPC Stephen Kowalczyk, 32, lived in Albuquerque, NM, while his father served in the Air Force. While there, he graduated from Highland High School and in 2004 decided to join the Army. He is survived by his mother, a brother and four sisters.

SGT Joel Lewis, 28, of Sandia Park, NM, was serving his first tour in Iraq when he was killed by an improvised explosive device during combat operations in Baqubah. Lewis was charismatic and loved the outdoors. He enjoyed hockey, skydiving and snowboarding.

SPC Christopher Merville, 26, of Albuquerque, NM, graduated from the University of New Mexico. He had an interest in Civil War history and toured civil war battlegrounds with his uncle.

SPC James Pirtle, 27, of La Mesa, NM, planned to return home in January of 2004 to I pick up where he left off with his wife, two stepsons, and a baby girl. His mother said of James, ''My son was my hero before he went in; now he is the world's hero.''

LCpl Christopher Ramos, 26, of Albuquerque, NM, was killed in al-Anbar Province. His wife Diana said that Chritopher was her best friend, a wonderful husband, and a great father.

PFC Mario Reyes, 19, of Las Cruces, NM, assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colorado was killed November 7, 2005, when an improvised explosive device detonated near his dismounted patrol in Baghdad.

Marine Sgt Moses Rocha, 33, helped make his friends stronger people just by being near them. The Roswell native was serving his second tour in Iraq when he was killed by militant fire. His is survived by his teenaged daughter.

SSG Joseph Rodriguez, 25, played football and Rugby as a teen in Las Cruces, NM. His mother remembers her son doing well in math classes at school, and he would always add up numbers for her in his head. He is survived by his wife Leslie, and their son Ethan.

PFC Ricky Salas, 22, called Roswell his home with his wife April, and their two young children. He was killed March 7, 2006, when the vehicle he was in was hit by an improvised explosive devise and overturned in Mosul, Iraq.

Marine LCpl Emilian Sanchez, 20, of Santa Ana Pueblo, was proud of his Native American heritage and carried eagle feathers with him to Iraq. He was killed during combat operations in al-Anbar Province, Iraq, on January 21, 2007.

Army SGT Leroy Segura, 23, of Clovis, NM, loved his grandmother's homemade tortillas and his mother's menudo. He helped his high school win the district cross country title in 2000.

SPC Clifford Spohn, 21, of Albuquerque, NM, graduated from Cibola High School in 2004 and joined the Army the following October. He leaves behind a wife and 4-year old daughter.

SPC Jeremy Stacey, 23, joined the Army in 2003 in Albuquerque, NM. Stacey died on July 5, 2007, and was posthumously promoted to the rank of corporal and awarded the Bronze Star and Purple Heart. His mother resides in Los Lunas, NM.

Army Medic SGT Lee Todacheene, 29, was a proud member of the Navajo Nation. His father said that, ''He respected himself and everybody. He was generous and kind, and he loved his family above everything else.'' Todacheene is survived by his wife and his 11- and 12-year-old sons.

Army SGT Eric Vizcaino, 21, of Albuquerque, NM, left behind a young wife and 2-year-old daughter. His father asked his son to consider leaving the Army after his deployment, but Sergeant Vizcaino wanted to remain a soldier.

Marine LCpl Jeremy West, 20, was born in Albuquerque, NM, and served in both Afghanistan and Iraq. He was the grandson of Tim Kline, a former Albuquerque city councilor and Albuquerque Police Department police lieutenant.

Army SGT Marshall Westbrook, 43, a Farmington, NM, native and Army National Guard military police officer, is survived by his wife Jolene and their five children. He was described as a gentle giant by a close friend in his military police unit.

SPC Clifton Yazzie, 23, of Fruitland, NM, was killed January 20, 2006, during his second tour of duty when a roadside bomb exploded near his humvee in Al Huwijah, Iraq. Yazzie, a 2001 graduate of Kirtland Central High School, was a member of the 101 st Airborne Division. His loss is mourned by his wife, his two children, his parents, and the Navajo Nation.

Army CPL Jesse Zamora, 22, a native of Las Cruces, NM, was killed on February 3, 2006, during his second tour of duty when he was hit by a piece of shrapnel from a roadside bomb near his humvee in Beiji, Iraq. A 2002 graduate of Mayfield High School, his brother Tyrel was also serving in Iraq when he was killed. Zamora was awarded the Purple Heart and Bronze star during his second tour.

Army CPL Jose Zamora, 24, was looking forward to returning to his family and his wedding when he was killed in Iraq on August 6, 2006. He was raised in Sunland Park, NM.

Marine MAJ Douglas Zembiec, 34, of Albuquerque, NM, served in Afghanistan, Kosovo, and Iraq and had been awarded the Bronze Star, a Purple Heart, a Navy Commendation with Gold Star and a Navy Achievement medal. A 1991 graduate of La Cueva High School, Zembiec was killed on May 11, 2007, during combat operations in Baghdad, Iraq. He is survived by his wife and his daughter.

Mr. ENZI. Mr. President, I rise to express my disappointment in this all-night session and the attempt to call this PR stunt progress for our troops. It is clear that some in this Chamber are putting rhetoric before results. Our troops in Iraq continue to pay the price of political rhetoric in Washington, DC.

I believe my colleagues truly care about our troops and I share their desire to have all of our troops home as soon as possible. To endorse a strategy of withdrawing troops in 120 days after this bill passes, however, undermines those very troops. We make it even more difficult for them to achieve their mission. With today's rapid communication made possible by the Internet, cell phones, and other technologies, what we say here can almost instantaneously find its way around the world and straight to the camps of both friends and foes—and they are both watching. In fact, I don't think it is an exaggeration to say that the whole world is watching to see what we will decide to do.

Ambassador Ryan Crocker, our U.S. Ambassador to Iraq, has made some very interesting comments that I find valuable. He, like our military commanders in Iraq, is in the best position to give us in Washington a true assessment of the situation on the ground. Ambassador Crocker has stated that he could see the Iraqi Government achieve none of the debaathification benchmarks and yet have a situation of stability and progress. At the same time, we could see a situation where all benchmarks are achieved and yet have an unstable and unsecure nation.

In statements on this floor, I have discussed the goals of benchmarks for the Iraqi Government—and I continue to believe we should be setting those goals. We should be helping the Iraqi Government achieve them. But we cannot expect the Iraqi Government to exist in a vacuum where our American ideals of democracy will simply exist in 1 day, 1 month, or 1 year.

I have also recently read an article by former Secretary of State Henry Kissinger in the Washington Post. Dr. Kissinger wrote about the centuries-long struggles between the Sunni, Shiia, and Kurdish populations in Iraq. He, too, points out that it is unrealistic to expect these groups to, in a matter of a few years, forget hundreds of years of conflict and work together in our timeframe.

I will ask that three articles be printed in the RECORD.

The people of the United States and certainly the members of the Senate should continue to press for progress being made by the Iraqi Government. We should provide our troops and our civilian representatives on the ground in Iraq with the resources they need to assist the Iraqis in achieving a secure and stable state. We must not undermine their efforts in attempt to score political points.

An assessment of military actions will be released in September. When that assessment is made by those on the ground in Iraq, I will carefully evaluate what their determinations mean for the future of America's troops serving in Iraq.

I want to close by expressing my heartfelt thanks to all of the men and women serving in our U.S. Armed Forces. You are all true heroes. You have volunteered to defend our Nation, our freedom, and our way of life. For those of you deployed in Iraq, Afghanistan, and around the world, I hope you know the difference you are making in the lives of the people around you. Your families, friends, and the people of America are safer because of the work you are doing.

Mr. President, I ask unanimous consent that the articles to which I referred be printed in the RECORD.

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

[From the Wall Street Journal, May 16, 2007]

WAS OSAMA RIGHT?

(By Bernard Lewis)

During the Cold War, two things came to be known and generally recognized in the Middle East concerning the two rival superpowers. If you did anything to annoy the Russians, punishment would be swift and dire. If you said or did anything against the Americans, not only would there be no punishment; there might even be some possibility of reward, as the usual anxious procession of diplomats and politicians, journalists and scholars and miscellaneous others came with their usual pleading inquiries: ''What have we done to offend you? What can we do to put it right?''

A few examples may suffice. During the troubles in Lebanon in the 1970s and '80s, there were many attacks on American installations and individuals—notably the attack on the Marine barracks in Beirut in 1983, followed by a prompt withdrawal, and a whole series of kidnapping of Americans, both official and private, as well as of Europeans. There was only one attack on Soviet citizens, when one diplomat was killed and several others kidnapped. The Soviet response through their local agents was swift, and directed against the family of the leader of the kidnappers. The kidnapped Russians were promptly released, and after that there were no attacks on Soviet citizens or installations throughout the period of the Lebanese troubles.

These different responses evoked different treatment. While American policies, institutions and individuals were subject to unremitting criticism and sometimes deadly attack, the Soviets were immune. Their retention of the vast, largely Muslim, colonial empire accumulated by the tsars in Asia passed unnoticed, as did their propaganda and sometimes action against Muslim beliefs and institutions.

Most remarkable of all was the response of the Arab and other Muslim countries to the Soviet invasion of Afghanistan in December 1979. Washington's handling of the Tehran hostage crisis assured the Soviets that they had nothing to fear from the U.S. They already knew that they need not worry about the Arab and other Muslim governments. The Soviets already ruled—or misruled—half a dozen Muslim countries in Asia, without arousing any opposition or criticism. Initially, their decision and action to invade and conquer Afghanistan and install a puppet regime in Kabul went almost unresisted. After weeks of debate, the U.N. General Assembly finally was persuaded to pass a resolution ''strongly deploring the recent armed intervention in Afghanistan.'' The words ''condemn'' and ''aggression'' were not used, and the source of the ''intervention'' was not named. Even this anodyne resolution was too much for some of the Arab states. South Yemen voted no; Algeria and Syria abstained; Libya was absent; the non-voting PLO observer to the Assembly even made a speech defending the Soviets.

One might have expected that the recently established Organization of the Islamic Conference would take a tougher line. It did not. After a month of negotiation and manipulation, the Organization finally held a meeting in Pakistan to discuss the Afghan question. Two of the Arab states, South Yemen and Syria, boycotted the meeting. The representative of the PLO, a full member of this organization, was present, but abstained from voting on a resolution critical of the Soviet action; the Libyan delegate went further, and used this occasion to denounce the U.S.

The Muslim willingness to submit to Soviet authority, though widespread, was not unanimous. The Afghan people, who had successfully defied the British Empire in its prime, found a way to resist the Soviet invaders. An organization known as the Taliban (literally, ''the students'') began to organize resistance and even guerilla warfare against the Soviet occupiers and their puppets. For this, they were able to attract some support from the Muslim world—some grants of money, and growing numbers of volunteers to fight in the Holy War against the infidel conqueror. Notable among these was a group led by a Saudi of Yemeni origin called Osama bin Laden.

To accomplish their purpose, they did not disdain to turn to the U.S. for help, which they got. In the Muslim perception there has been, since the time of the Prophet, an ongoing struggle between the two world religions, Christendom and Islam, for the privilege and opportunity to bring salvation to the rest of humankind, removing whatever obstacles there might be in their path. For a long time, the main enemy was seen, with some plausibility, as being the West, and some Muslims were, naturally enough, willing to accept what help they could get against that enemy. This explains the widespread support in the Arab countries and in some other places first for the Third Reich and, after its collapse, for the Soviet Union. These were the main enemies of the West, and therefore natural allies.

Now the situation had changed. The more immediate, more dangerous enemy was the Soviet Union, already ruling a number of Muslim countries, and daily increasing its influence and presence in others. It was therefore natural to seek and accept American help. As Osama bin Laden explained, in this final phase of the millennial struggle, the world of the unbelievers was divided between two superpowers. The first task was to deal with the more deadly and more dangerous of the two, the Soviet Union. After that, dealing with the pampered and degenerate Americans would be easy.

We in the Western world see the defeat and collapse of the Soviet Union as a Western, more specifically an American, victory in the Cold War. For Osama bin Laden and his followers, it was a Muslim victory in a jihad, and, given the circumstances, this perception does not lack plausibility.

From the writings and the speeches of Osama bin Laden and his colleagues, it is clear that they expected this second task, dealing with America, would be comparatively simple and easy. This perception was certainly encouraged and so it seemed, confirmed by the American response to a whole series of attacks—on the World Trade Center in New York and on U.S. troops in Mogadishu in 1993, on the U.S. military office in Riyadh in 1995, on the American embassies in Kenya and Tanzania in 1998, on the U.S.S. Cole in Yemen in 2000—all of which evoked only angry words, sometimes accompanied by the dispatch of expensive missiles to remote and uninhabited places.

Stage One of the jihad was to drive the infidels from the lands of Islam; Stage Two—to bring the war into the enemy camp, and the attacks of 9/11 were clearly intended to be the opening salvo of this stage. The response to 9/11, so completely out of accord with previous American practice, came as a shock, and it is noteworthy that there has been no successful attack on American soil since then. The U.S. actions in Afghanistan and in Iraq indicated that there had been a major change in the U.S., and that some revision of their assessment, and of the policies based on that assessment, was necessary.

More recent developments, and notably the public discourse inside the U.S., are persuading increasing numbers of Islamist radicals that their first assessment was correct after all, and that they need only to press a little harder to achieve final victory. It is not yet clear whether they are right or wrong in this view. If They are right, the consequences—both for Islam and for America—will be deep, wide and lasting.

[From the Wall Street Journal, July 12, 2007]

THE ''BENCHMARK'' EXCUSE

Ryan Crocker, the U.S. Ambassador in Iraq, is a 36-year career diplomat who has served under seven administrations in Iran, Syria, Kuwait, Afghanistan, Lebanon and Pakistan. He's no partisan gunslinger. So it's worth listening to his views as Congressional Democrats and a growing number of Republicans press for a precipitous withdrawal from Iraq on the excuse that the Iraqi government hasn't met a set of political ''benchmarks.''

''The longer I'm here, the more I'm persuaded that Iraq cannot be analyzed by these kinds of discrete benchmarks,'' Mr. Crocker told the New York Times's John Burns in an interview on Saturday, referring to pending Iraqi legislation on an oil-sharing agreement and a relaxation of de-Baathification laws. ''You could not achieve any of them, and still have a situation where arguably the country is moving in the right direction. And conversely, I think you could achieve them all and still not be heading towards stability, security and overall success in Iraq.''

Mr. Crocker's comments are a useful reminder of the irrelevance—and disingenuousness—of much Washington commentary on Iraq. For proponents of early withdrawal, the ''benchmarking'' issue has provided a handy excuse to make the Iraqi government rather than al Qaeda the main culprit in the violence engulfing their country. A forthcoming Administration report indicating lagging political progress is certain to be seized on by Congress as it takes up a defense spending bill and debates an amendment ordering troop withdrawals by the fall. A proposal to mandate extended times between deployments (and thus force withdrawal) failed narrowly in the Senate yesterday, though not before winning the support of seven Republicans.

Nobody claims the Iraqi government is a model of democratic perfection, or that Prime Minister Nouri al-Maliki is the second coming of Lincoln. We advised the White House not to lobby against his predecessor.

But Mr. Maliki's government is democratic and more inclusive than most reporting suggests, and it is fighting for its life against an enemy that uses car bombs and suicide bombers as its policy instruments. In an interview this week in the New York Post, General David Petraeus noted that while the performance of the Iraqi Army has been mixed, ''their losses in June were three times ours.'' To suggest that Iraqis aren't willing to fight for their freedom is an insult to their families.

General Petraeus also noted that ''the level of sectarian deaths in Baghdad in June was the lowest in about a year,'' evidence that in this key battlefield the surge is making progress. As a result, al Qaeda is being forced to pick its targets in more remote areas, as it did last week in the village of Amirli near Kirkuk, where more than 100 civilians were murdered. More U.S. troops and the revolt of Sunni tribal leaders against al Qaeda are the most hopeful indicators in many months that the insurgency can be defeated.

But that isn't going to happen under the timetable now contemplated by Congress. ''I can think of few commanders in history who wouldn't have wanted more troops, more time or more unity among their partners,'' General Petraeus told the Post. ''However, if I could only have one at this point in Iraq, it would be more time.''

It's also not going to happen if Congress insists on using troop withdrawals to punish Iraqis for their supposed political delinquency. The central issue is whether the Iraqis can make those decisions without having to fear assassination as the consequence of political compromise. The more insistent Congress becomes about troop withdrawals, the more unlikely political reconciliation in Iraq becomes.

That said, it's becoming increasingly clear that the issue of reconciliation has become a smokescreen for American politicians who care for their own political fortunes far more than they do about the future of Iraq or the consequences of Iraq's collapse for U.S. interests in the Middle East. Here again, they could stand to listen to Mr. Crocker.

''You can't build a whole policy on a fear of a negative, but, boy, you've really got to account for it,'' he said. ''In the States, it's like we're in the last half of the third reel of a three-reel movie, and all we have to do is decide we're done here. . . and we leave the theater and go on to something else. Whereas out here, you're just getting into the first reel of five reels, and ugly as the first reel has been, the other four and a half are going to be way, way worse.''

Mr. Crocker is referring, of course, to the possibility of far nastier violence if the U.S. departs before Iraqi security forces can maintain order. Some will denounce this as a parade of horribles designed to intimidate Congress, but we also recall some of the same people who predicted that a Communist triumph in Southeast Asia would yield only peace, not the ''boat people'' and genocide. Those Americans demanding a U.S. retreat in Iraq will be directly responsible for whatever happens next.

[From the Washington Post, July 10, 2007]

THE WAY BACK FROM IRAQ

(By Henry A. Kissinger)

The war in Iraq is approaching a kind of self-imposed climax. Public disenchantment is palpable. The expressions of concern by the widely admired Sen. Richard Lugar (R–Ind.) are a case in point. On the other hand, a democratic public eventually holds its leaders responsible for bringing about disasters, even if the decisions that caused the disaster reflected the public's preferences of the moment. And precipitate withdrawal would produce such a disaster. It would not end the war but shift it to other areas, such as Lebanon, Jordan or Saudi Arabia. The war between Iraqi factions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals. Whatever our domestic timetables, the collapse of the American effort in Iraq would be a geopolitical calamity.

We face a number of paradoxes. Military victory, in the sense of establishing a government capable of enforcing its writ throughout Iraq, is not possible in a time frame tolerated by the American political process. Yet no political solution is conceivable in isolation from the situation on the ground. What America and the world need is not unilateral withdrawal but a vision by the Bush administration of a sustainable political end to the conflict.

Traditionally, diplomacy strives to discover common goals and distill them into a workable compromise. What distinguishes the diplomacy on Iraq is that, in the end, it needs to distill a common approach from common fears. Each of the parties—the United States, the internal parties, Iraq's neighbors, the permanent members of the U.N. Security Council—face the reality that if they pursue their preferred objectives, the cauldron of Iraq may overflow and engulf the region. The United States and most of Iraq's neighbors have powerful national interests in preventing the emergence of terrorist training areas in Iraq. None of Iraq's neighbors, not even Iran, is in a position to dominate the situation against the opposition of all other interested parties. Is it possible to build a sustainable outcome on such considerations?

The answer must be sought on three levels: internal, regional and international.

The internal parties—the Shiites, Sunnis and Kurds—have been subjected to insistent American appeals to achieve national reconciliation. But groups that have been conducting blood feuds with each other for centuries are, not surprisingly, struggling in their efforts to resolve their differences by constitutional means. They need the buttress of a diplomatic process that could provide international support for carrying out any internal agreements reached or to contain conflict if the internal parties cannot agree and Iraq breaks up.

Though much media attention focuses on which countries should be involved in the diplomacy, the real debate should start with the substance of what the diplomacy is meant to achieve.

The American goal should be an international agreement regarding the status of Iraq. It would test whether Iraq's neighbors as well as some more distant countries are prepared to translate general concepts into converging policies. It would provide a legal and political framework to resist violations. These are the meaningful benchmarks against which to test American withdrawals.

Such a diplomacy might prove feasible because the continuation of Iraq's current crisis presents all of Iraq's neighbors with mounting problems. The longer the war rages the more likely the breakup of the country into sectarian units. Turkey has repeatedly emphasized that it would resist such a breakup by force because of the radicalizing impact a Kurdish state could have a Turkey's large Kurdish population. But this would bring Turkey into unwanted conflict with the United States and open a Pandora's box of other interventions.

Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to become a satellite of Iran. The various Gulf sheikdoms the largest of which is Kuwait, find themselves in an even more threatened position. Their interest is to help calm the Iraq turmoil and avert Iranian domination of the region.

Syria's attitudes are likely to be more ambivalent. Its ties to Iran represent both a claim to status and a looming vulnerability. It goes along with Iranian-dominated Hezbollah in Lebanon to reduce Western influence, but it fears confrontation with the United States and even more with Israel, should the region run out of control.

Given a wise and determined American diplomacy, even Iran might be brought to conclude that the risks of continued turmoil outweigh the temptations before it. To be sure, Iranian leaders may believe that the moment is uniquely favorable to realize millennial visions of a reincarnated Persian empire or a reversal of the Shiite-Sunni split under Shiite domination. On the other hand, if prudent leaders exist—which remains to be determined—they may conclude that they had better treat these advantages as a bargaining chip in a negotiation rather than risk them in a contest over domination of the region. However divided America may appear and however irresolute Europe, geopolitical realities are bound to assert themselves. The industrial countries cannot permit their access to the principal region of energy supply to be controlled by a country with Iran's revolutionary and taunting foreign policy. No American president will, in the end, acquiesce once the full consequences of Iranian domination of the region become apparent. Russia will have its own reasons, principally fear of the radicalization of its Islamic minority, to begin resisting Iranian and radical Islamist domination of the Gulf.

Combined with the international controversy over its nuclear weapons program, Iran's challenge could come to be perceived by its leaders as posing excessive risks. This is probably why Iran (and Syria) seem to be edging toward dialogue with the United States and why a genuine mutual interest may arise in such a dialogue.

Whether or whenever Iran reaches these conclusions, two conditions will have to be met: First, no serious diplomacy can be based on the premise that the United States is the supplicant. America and its allies must demonstrate a determination to vindicate their vital interests that Iran will find credible. Second, the United States will need to put forward a diplomatic position that acknowledges the legitimate security interests of an Iran that accepts the existing order in the Gulf rather than strives to overthrow it.

Such a negotiation must be initiated within a multilateral forum. A dramatic bilateral Iranian-U.S. negotiation would magnify all of the region's insecurities. If Lebanon, Jordan, Saudi Arabia and Kuwait—which have entrusted their security primarily to the United States—become convinced that an Iranian-U.S. condominium is looming, a race for Tehran's favor may bring about the disintegration of all resolve. America needs to resist the siren song of a U.S.-Iranian condominium. Within a multilateral framework, the United States will be able to conduct individual conversations with the key participants.

Its purpose should be to define the international status of the emerging Iraqi political structure into a series of reciprocal obligations. In such a scheme, the U.S.-led multinational force would be gradually transformed into an agent of that arrangement, also the lines of the Bosnian settlement in the Balkans or the Afghan structure. International forces would be established along Iraq's frontiers to block infiltration. Until this point is reached, U.S. forces should be deployed to have the greatest impact on the

issues of greatest concern to America—the creation of terrorist bases or the emergence of a terrorist regime—and in numbers appropriate to their mission.

A forum for diplomacy already exists in the foreign minister's conference that met recently at Sharm el-Sheikh, Egypt, and that has agreed to reassemble in Istanbul at a date yet to be determined. It is in the United States' interest to turn the conference into a working enterprise under strong, if discreet, American leadership.

Such a diplomacy is the context for a reliable exit strategy. It would also provide a framework for the eventual participation of friendly countries with a big stake in the outcome. No nation is more seriously threatened by radicalized Islamism than India. Its large Muslim population might be tempted from the democratic path by the success of radical Islamists in the Middle East. Other countries with interests in a moderate outcome are Indonesia and Malaysia. They could be involved in a peacekeeping role once a regional agreement exists.

All this suggests a three-tiered international effort; an intensified negotiation among the Iraqi parties; a regional forum like the Sharm el-Sheikh conference to elaborate an international transition status for Iraq; and a broader conference to establish the peacekeeping and verification dimensions.

Neither the international system not American public opinion will accept as a permanent arrangement an American enclave maintained exclusively by American military power in so volatile a region. The concept outlined here seeks to establish a new international framework for Iraq. It is an outcome emerging from the political and military situation there and not from artificial deadlines.

Mr. FEINGOLD. Mr. President, I voted against the Cornyn amendment because it significantly misrepresents the NIE because it makes assumptions about what may happen in Iraq that are speculative, and because it represents the same failed mindset that has resulted in the current disaster in Iraq. While the dangers of Iraq becoming a failed state are real, this amendment seeks to justify the current massive and indefinite U.S. military presence in that country, which is an unacceptable distraction and diversion of resources from the fight against al-Qaida and its affiliates worldwide.

Mr. BYRD. Mr. President, yesterday the Senate voted on an amendment offered by Senator CORNYN, amendment No. 2100, that states, in part, that it is the Sense of the Senate that the ''Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.'' I opposed that amendment, but my vote should not be viewed as a lack of concern for the consequences of a failed Iraqi state.

I agree that it is not in the interest of the United States for Iraq and the rest of the Middle East to devolve into total chaos, and no one in this body argues differently. However, I opposed the amendment because it suggests that the United States Senate will be bound to a policy of supporting an endless U.S. military involvement in Iraq. By implying that it is our military's responsibility to prevent a failed state in Iraq, the Cornyn amendment suggests that it is up to our service men and women, now and into the future, to undo the missteps of an ill-conceived adventure directed by a reckless President.

The amendment fails to define what exactly a ''failed state'' is, nor how the U.S. military should go about preventing one. Some may not have noticed, but Iraq is perilously close to a reasonable definition of ''failed state'' already. In the third annual ''failed state'' index, analysts for Foreign Policy magazine and the not-for-profit Fund for Peace said Iraq is now the second most unstable country in the world. Its standing deteriorated from last year's fourth place on a list of the 10 nations most vulnerable to violent internal conflict and worsening conditions.

Mr. President, I feel that we should be relentless in our efforts to bring Osama bin Laden to justice and to vanquish the al-Qaida terror network. This amendment, however, does not say anything new, and it does not imply a change in U.S. policy. What it does, however, is suggest that if the failing situation in Iraq does not improve, if the Iraqi government does not step up, if the sectarian violence that has persisted for over a millennia does not abate, the U.S. Senate should not take action that would allow us to modify the mission or withdraw forces—ever. That, Mr. President, is an extremely unwise and imprudent statement and an even more unwise policy.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. DURBIN. Mr. President, I wish to propound a unanimous consent request. I will take just a moment.

Mr. CORNYN. I yield for that purpose.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that after the Senator from Texas speaks, I be given the time until 10:20 a.m., and that it be taken from Senator REID's time previously agreed to in the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, I do not intend to object, but merely point out that it is my understanding I have 15 minutes, from now until 10:20 a.m.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas has been given 10 minutes.

Mr. CORNYN. I have no objection.

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

Mr. CORNYN. Mr. President, I am struck by the fact that during the course of this debate on the Levin-Reed amendment some Senators seem to take the attitude that our presence in Iraq is merely optional, that we can choose to do whatever we want to do without regard to the consequences. I think of those consequences, as 94 Senators indicated yesterday by their vote on the sense-of-the-Senate amendment that said we would do no act that would make it more likely that Iraq would end up in a failed state because the danger that poses to our national security. I don't believe our presence in Iraq is merely optional.

I do not agree with our colleagues who seem to say that, well, the only thing missing is enough pressure on the Iraqi political leadership to get their act together, and if they would do what the American Congress wants them to do on the timetable the American Congress thinks is appropriate, then we are going to pull the plug, we are going to leave Iraq, and leave Iraqis to themselves, as if the consequences of that action would be borne only by the Iraqis. In fact, I believe the consequences of that action would be disastrous to American national security, as well as to the region in the Middle East.

So I do not believe it is merely a matter of putting more pressure on the Iraqis. As a matter of fact, I marvel at the irony of Members of the Senate saying after decades of living under a brutal dictator and the literal genocide that had resulted from the murders he carried out and the suppression of the Shiite majority by the Sunni minority under the Baath party, that somehow this new democracy can spring to life as our democracy has after 231 years and solve these problems. Such as, why can't they pass a law that says we will share the oil revenue, while we have been unsuccessful in solving the insolvency of our Social Security system. They suggest there needs to be reconciliation overnight between the Shiites and Sunnis when it took us well over 100 years and a civil war in which 600,000 Americans died for the civil rights movement to take root and to overcome the scourge of slavery.

I think some of my colleagues are taking an unrealistic approach when it comes to how fast we expect this new democracy to take the political steps to solve some of these problems. And, of course, they cannot do it unless basic security is provided—security for them and security for us.

That is why it is important that we not listen to the armchair generals here in Washington, DC, with very little military experience in fighting and winning wars. It is one reason why we need to listen to the generals on the ground, people such as GEN David Petraeus and others who have stated very clearly what the consequences of failure will be to the United States.

I also marvel at the short memories of some of my colleagues who said we should not have gone into Iraq in the first place after 77 Senators in this body voted to authorize the President to do that. Do they forget the fact that Saddam Hussein defied, I think it was 16 or 17 United Nations resolutions to open up his country to weapons inspectors from the United Nations, and the concern, of course, post-9/11 that Saddam was developing chemical, nuclear, or biological weapons and that he

would share that technology with terrorists such as al-Qaida?

And the idea that al-Qaida has sprung up in Iraq overnight, not because of the conditions created under Saddam or postwar Iraq, but because of something we did, to me is an amazing allegation. So it is America that is to blame for al-Qaida being in Iraq. That, I suppose, is the allegation.

I am glad to see at least our colleagues do acknowledge that al-Qaida is in Iraq, and, of course, we are met today with the news that the top al-Qaida figure in Iraq was captured. Adding information from him indicates the group's foreign-based leadership wields considerable influence over the country of Iraq.

I don't see how colleagues can vote in favor of the Levin-Reed amendment, which calls for a rapid withdrawal of forces before the Iraqis are able to stabilize their own country and are able to defend themselves and at the same time vote for the amendment we voted on yesterday, which was adopted 94 to 3, saying we are not going to take any action which makes it more likely that Iraq will become a failed state because as the National Intelligence Estimate and the Iraq Study Group indicated, a failed state in Iraq means a free hand for al-Qaida. A free hand for al-Qaida in Iraq makes Iraq less safe, but it also makes America less safe because, as we all know, war is an interactive affair. We can quit fighting, but it doesn't mean our enemy will. Of course, were we to bring our troops home, as all of us want to do, the only question is whether we are going to do it based on an arbitrary timetable with the risk of a failed state or whether we are going to do it based on conditions on the ground and with the objective of leaving Iraq with the capability to govern and defend itself.

The question is, are we going to bring our troops home at a time and in such a manner as it increases the likelihood that Iraq will descend into a failed state with, of course, the opportunity for al-Qaida to regroup, to recruit, to train, and then export further terrorist attacks to the United States? This is the reality. Were we to leave Iraq before it has the capability to defend and govern itself, our enemies would simply follow us here.

It is almost as if some of our colleagues want to pull the covers over their head and pretend if they do so, if we ignore the threat, it will go away. Unfortunately, life is not that simple. Nor is the threat illusory, as some of our colleagues indicate.

So it is important that the Levin-Reed amendment be defeated, that we not set an arbitrary timetable to tie the hands of GEN David Petraeus with this new strategy that has recently been completed—that is, the surge of troops and the operational surge underway—and with the kind of success we have seen turning Anbar Province around, a place that previously no one could go because al-Qaida basically ruled the roost. Now we are starting to see some signs of success there and hopefully begin to let the counterinsurgency strategy that General Petraeus was sent over to execute, one that will allow our troops and the Iraqis to clear the threat, to then hold the area, and then to allow the political operatives in Iraq the space in which to do the important reconciliation that we all know is essential to the long-term success and stabilization of that country.

This is a historic vote we will be having in a few minutes, and I hope our colleagues will vote in the interest of American national security, will vote in the interest of doing nothing that would increase the likelihood of a failed state and providing al-Qaida an additional foothold and operating space within Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, yesterday in Chicago, Eric Lill was laid to rest. Eric Lill grew up in the Bridgeport neighborhood on the south side of Chicago. He watched the White Sox. He ate Connie's pizza. On September 11, he was moved to enlist in the Army. He left in February of 2002 to serve, and in his second deployment in Iraq, he was killed by a roadside bomb.

On Sunday, SPC Eric Lill came home from Iraq in a flag-draped coffin. He was 28 years old. He leaves behind a 6-year-old son and a 4-year-old daughter.

Eric Lill's story is a story repeated thousands of times across America during the course of this war, 150 times in my home State of Illinois—stories of bravery and heroism. There are also 30,000 stories of injured Americans who have come home with amputations and traumatic brain injuries, some whose lives will never be the same. They are our patriots, our heroes, and we salute them.

Across the street from Eric Lill's house on the south side of Chicago is the home of his grandmother, Marlene Alvarado. Specialist Lill used to call his grandmother every Saturday from Iraq to tell her he was safe. This morning, Mrs. Alvarado looks out her front window over at her grandson's house still decorated with yellow ribbons.

During the course of this 4½-year war, a war that has lasted longer than World War II, there have been many yellow ribbons, there have been many flag-draped caskets, and there have been many broken Iraqi promises.

I listened to the speeches from the other side of the aisle pleading with us to be patient with the Iraqis; the time will come when they will lead their nation forward. I could give the Iraqis patience if it weren't patience paid for in the lives and blood of American servicemen. We have been patient for 4½ years. It is time for the Iraqis to stand and defend their own nation.

It is time for honesty, not bravado. It is time for realism, not fantasy. This war was born in deception. At the highest levels of our Government, it has been waged with incompetence and arrogance. Sadly, it is the most serious foreign policy mistake of our time. This war will not end if we depend on the insight or the humility of our President.

We, those of us who are Members of the Senate, must speak for the American people. We must speak for our war-weary soldiers, and we must bring this war to an end. At the end of this debate, there will be a vote on an amendment, the only amendment which will bring our soldiers home and end this war responsibly.

I urge my colleagues on the other side of the aisle to join us in this bipartisan effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. For what purpose does the Senator from Illinois rise?

Mr. OBAMA. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 1 minute.

Mr. OBAMA. Mr. President, we have had an extensive debate, obviously, on the floor of the Senate. I was scheduled originally to speak at 6 a.m. Because there was an enormous backlog, I have not had an opportunity to speak on this issue.

I rise this morning in strong support of the amendment offered by Senators LEVIN and REED. I am proud to join them as a cosponsor of this amendment.

We have heard from the administration and from many of our colleagues in this Chamber that we need to give the President's surge more time, that we need to wait to hear the report in September before we make a binding decision to redeploy our troops. Yet, we learned just last week that the Iraqi political leaders have not met a single benchmark that they had agreed to in January. Not one.

We do not need to wait for another report. We have seen the results of a failed policy in the form of multiple deployments, more sacrifice from our military families, and a deepening civil war in Iraq that has caught our troops in the middle.

It is long past time to turn the page in Iraq, where each day we see the consequences of fighting a war that should never have been authorized and should never have been waged. The single most important decision a President or Member of Congress can make is the decision to send our troops into harm's way.

It is that decision that determines the fate of our men and women in uniform, the course of nations, and the security of the American people. It is that decision that sets in motion consequences that cannot be undone.

Since this war began, 3,618 Americans have been killed—532 since the President ignored the will of the American people and launched his surge. Tens of thousands more have been wounded,

suffering terrible injuries seen and unseen.

Here is what else we know: We know that the surge is not working, that our mission in Iraq must be changed, and that this war must be brought to a responsible conclusion.

We know Iraq's leaders are not resolving their grievances. They are not stepping up to their security responsibilities. They are not improving the daily lives of Iraqis.

We know that the war in Iraq costs us $370 million a day and $10 billion each month. These are resources that could be spent to secure our ports and our borders, and to focus on a resurgent Taliban in Afghanistan and the wider war on terrorism that is yet to be won.

We know that because of the war in Iraq, America is no safer than it was on 9/11. Al-Qaida has gained the best recruiting tool it could ask for. Tens of thousands of terrorists have been trained and radicalized in Iraq. And terrorism is up worldwide.

If America is attacked again, it will be in no small measure a consequence of our failure to destroy al-Qaida at its roots in Afghanistan and our failure to adequately secure the homeland. The decision to authorize and fight a misguided war in Iraq has created a new cadre of experienced terrorists bent on the destruction of the United States and our allies.

If there is still any question about whether Iraq has been a distraction from this critical war in Afghanistan and Pakistan, that should have been resolved yesterday with the release of the most recent national intelligence estimate. That report said that al-Qaida ''has protected or regenerated key elements of its Homeland attack capability, including: a safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.''

And last week, a new threat assessment concluded that al-Qaida is as strong today as it was before 9/11.

Seeing yet another report like this, I can only repeat what I said nearly 5 years ago, during the runup to this war. We are fighting on the wrong battlefield. The terrorists who attacked us and who continue to plot against us are resurgent in the hills between Afghanistan and Pakistan. They should have been our focus then. They must be our focus now.

I opposed this war from the beginning, before the Congress voted to authorize the war in 2002. I said then that I could not support a war based not on reason but on passion, not on principle but on politics. I worried that it would lead to a U.S. occupation of undetermined length, at undetermined cost, with undetermined consequences.

I believed then—and I still believe now—that being a leader means that you'd better do what's right and leave the politics aside. Because there are no do-overs on an issue as important as war. You cannot undo the consequences of that decision.

In January, I introduced a plan that would have already started bringing our troops home and ending this war, with a goal of removing all combat brigades by March 31, 2008. Seventy-eight days ago, President Bush vetoed a bipartisan plan that passed both Houses of Congress that shared my goal of changing course and ending this war.

During those 78 days, 266 Americans have died, and the situation in Iraq has continued to deteriorate.

It is time to set a hard date to signal a new mission in Iraq and to begin to bring our troops home. It is time to ensure that we complete the change in mission and the drawdown of our forces, by the end of April 2008—a date that is consistent with the date in my plan back in January.

As we redeploy from Iraq—as I believe we must do—we have to redouble our efforts on all fronts in Afghanistan to ensure we do not lose ground there.

Certainly, we have had some success there over the last 5½ years, whether it is the five-fold increase in the number of Afghan boys and girls now attending schools or the free elections of a president and parliament.

Yet the remaining challenges in Afghanistan are enormous:

Opium production is expected to reach a record high this year, with revenues helping to fuel the Taliban and al-Qaida; the Taliban has increased its campaign of suicide attacks and roadside bombings in recent months; most troubling is this simple fact: The leaders of al-Qaida—Osama bin Laden and his lieutenant Ayman Al-Zawahiri, and the leader of the Taliban, Mullah Omar, remain at large. They are now free to operate in a safe haven in northwest Pakistan.

That has to change.

First, the United States must increase reconstruction efforts, on both the civilian and military side. If we are serious about winning the war on terror, we must shift to greater investments in winning the hearts and minds of Afghans. The U.S. should allocate money in a way that allows more flexibility in our spending, permitting funding of local projects that benefit communities and promising local governments.

Second, the United States and NATO must turn around the security situation so that average Afghans regain their faith in the ability of their government and the international forces to ensure their security. Despite more than 5 years of an international military presence in their country, the sad reality is that most Afghans do not believe their government can guarantee their safety.

Taliban violence is on the rise, and is reaching into areas of the country, like the north, that had been relatively stable until a few months ago. Secretary Gates' commitment of an additional 3,200 American combat troops and the U.K. commitment of at least 1,000 new troops were positive steps. But we must also encourage other NATO allies to supply more troops and withdraw the caveats that prevent some NATO forces from assisting allies in the most dangerous parts of Afghanistan.

Third, the Afghan Government, with our help, must do more to respond to the needs of its people, starting by combating its culture of impunity and rampant corruption. The Afghan people will never trust their government unless it begins effectively to combat the lawlessness that has long plagued the Afghan countryside.

Fourth, in order to make headway against corruption, the United States and our allies must revamp our counternarcotics efforts. For too long, the United States and NATO have combated this issue with, at best, half measures, and we now face a situation where the drug trade is exacerbating instability with drug revenues funding the insurgency.

Finally, any possibility of long-term stability in Afghanistan depends on addressing cross-border issues with Pakistan and other neighbors.

Simply put, Pakistan is not doing enough to deal with al-Qaida and Taliban safe havens within its borders. In the past months, Pakistan has arrested or killed several high value targets, but its overall record remains poor. Any solution must take the fiercely independent tribal culture of the border region into account. And we should ensure that when we provide money to reimburse the Pakistani military for fighting al-Qaida and the Taliban along the Afghanistan border, the Pakistani military is meeting that commitment.

The central front in the war on terrorism is not in Iraq; it is in Afghanistan and Pakistan. As we change course in Iraq, we must correct course in South Asia. And it is long past time that we did so.

But to make that change, the American people need real leadership from this Chamber—not empty rhetoric.

We are engaged in important work in the Senate. If only the willingness to work toward solutions were commensurate with the importance of the topic we are undertaking, we might make some progress. I hope that our colleagues do not choose further obstruction over progress, delay over decision.

The only point I wish to add is all of us are patriots. The Senator who is managing for the minority at this point is a certified American hero. All of us want to see our troops come home safely. All of us want the best possible result in Iraq. The only thing I would say is, given that we have no good options at this point, that we have bad options and worse options, I think it is very important for us to take this debate seriously and to recognize that none of us are interested in dictating military strategy to the President but, rather, in setting a mission for the military, and that is what this debate is about.

Given the National Intelligence Estimate that has come out, I think it is

important for us to be prudent and consider what the best steps forward are now, and that is something I hope emerges from this debate. It is my belief the best thing to do now is to vote for Reed-Levin.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 60 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, and I will not object, may the Senator from Florida also have 1 minute and the vote be delayed by the appropriate time taken by the three speakers?

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

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will make a very detailed speech after this vote laying out why I think this vote is important.

We started down this road, and we have been banging away since the Biden-Hagel-Levin-Snowe resolution back in January, to the Biden-Levin position, and now the Reed-Levin amendment, all of which are essentially the same thing. I want to make it clear that this is simply a first step. We have to keep from careening off this highway and get out of the civil war, and then we have to be in a position where we come up with a political solution so that when we leave Iraq and we bring our children home, we don't just send our grandchildren back.

I thank my colleagues for giving me this time, and as I said, when the vote is over and there is more time, I will, as passionately as I can, try to clarify what I think the situation is that we find ourselves in in Iraq and what our overall policy—not just the Levin-Reed amendment but what else we must be doing.

I thank the Chair, and I thank my colleague for his generosity, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank the leader for the time allotted, and I wish to take this time to say that I do oppose the Levin-Reed amendment. I believe it is very important for the Nation at this point in time to not change course until September when we have had an opportunity to not hear from people in this Chamber but when we have an opportunity to hear from the general on the ground, General Petraeus, when he comes back and reports to us on the conditions in Iraq and what his recommendations might be.

I think this is too important. The danger to our Nation as a result of Iran's very aggressive tendencies, as well as al-Qaida's continued presence in Iraq, makes it essential that this mission not be terminated prematurely and certainly not until the time we have had the generals on the ground give us their assessment of this latest strategy, which we approved and put in place in order for us to see some progress forward.

There are signs of progress on the ground. I am encouraged by some of those things I hear in spite of the noise that doesn't allow it to break through. The fact is, it does appear things are improving somewhat on the ground. At the end of the day, the proper time for us to make a judgment is September and not now.

The amendment before us, the Levin/Reed amendment, would mandate the Bush administration begin reducing the number of troops in Iraq within 120 days and maintain only a ''limited presence'' by April.

In 120 days, can we physically reduce our troops that quickly in a safe manner? What about our equipment? Can that be done in 120 days?

The issue clearly is not our shared desire to see our troops come home safely and at the earliest time within the needs of our Nation's security. All of us want our troops home. The question is, what is the correct policy for our country in Iraq? Last week we received an interim report on the status of the situation in Iraq. To be sure, it was a mixed report—showing just half of the benchmarks being met. But let's look at that report in its proper context.

There are those who would inflate this report's significance beyond its intended purpose and use it to prod a hasty end to the war. I think those efforts are misguided. This was not a report on the impact or effectiveness of the surge. It was a status report of where Iraq stands currently on its path to peace, stability, sovereignty, and democracy. And here are the areas where there has been satisfactory progress in Iraq:

The Iraqi Government has formed a Constitutional Review Committee and they have implemented procedures to form semi-autonomous regions.

They have established support committees for the Baghdad Security Plan and they have provided three trained Iraqi brigades to support Baghdad operations.

They are insuring Baghdad is not a safe haven for outlaws, regardless of their sectarian or political affiliation.

They have established all planned joint security stations in neighborhoods across Baghdad.

They are ensuring the protection of minority political parties and they are spending $10 billion Iraqi revenues on reconstruction projects.

These are the areas where there has been satisfactory progress. But more progress remains to be seen.

They have yet to solve the issues related to debaathification reform. They have yet to implement an equitable distribution system for oil revenues.

The Iraqis have only just begun to enact new election laws. They have yet to ensure that Iraqi Security Forces, ISF, are providing even-handed enforcement of the law—and on that point, we are holding the ISF to an appropriately high standard. The problem is that there has been a tendency for some police to gravitate back to the old habits of sectarianism. Our presence is having a positive impact on ensuring that doesn't occur. And the interim report also notes there are areas where it is too early to assess progress.

So there is the status report. Take it for what it is. It is a snapshot in time about the condition of the Iraqi government and where they are on this path to stability and democratic rule. If we are going to measure progress, it is good to know how much is being made. This is that report.

To those who want to inflate it as an indicator of the effectiveness of the surge, I would say to my colleagues that the surge has only fully been in place for the last 3 weeks.

The question is what should happen between now and September when General Petraeus will report to the President. At that time the surge, now in its third week, will have had 12 weeks. That will provide a better gauge of where we are. But even then it will be a very short time. We know more time is necessary.

I am confident that by September, we will have a good assessment from GEN David Petraeus. He will know what progress the surge is making—what progress is attainable—and whether it is having the desired impact toward our common goals.

And yet despite the fact that the surge for stability is less than a month in place, despite the fact that Iraq has become a battleground where al-Qaida is doing everything they can to fight the West, here we are today, again, debating precipitous withdrawal.

The senior senator from Michigan says of his amendment, ''Beginning a phased redeployment this year will add incentives for the Iraqis to make the hard compromises necessary to bring their country together and secure it.'' I disagree.

Beginning a phased redeployment will add to the security problems. It will add to the instability. It will add to the sectarian violence and the killing. It will destroy any chance of pushing that country toward the place where we all hope it will be. It may even put our forces at risk in a defeated dangerous and humiliating defeat.

I ask those supporting this withdrawal to consider the consequences. Consider what would occur if we left Iraq right now in a 120-day timeframe dictated by politics and polls and politicians in Washington, not generals on the ground. Is this a sound strategy for our military? Can this be accomplished?

Leaving now would leave a security void in Iraq. The vacuum created would be filled by al-Qaida and Iran. The Kurds would be threatened by Turkey.

Al-Qaida would have a training ground free from the threat of military

encroachment. Sectarian fighting would create even greater loss of Iraqi lives.

We have to be cognizant of the consequences of a precipitous troop reduction and withdrawal. If we leave Iraq now—will we have to return at a later date?

We will be back fighting a larger enemy, a strengthened enemy, a more brutal enemy, an even more determined enemy emboldened by our defeat.

Our leaving Iraq right now will strengthen our enemies; namely, al-Qaida. Don't take my word for it; take the words of our military leaders on the ground.

MG Rick Lynch is quoted in recent news reports saying that American withdrawal would ''clear the way for the enemy to come back.'' He says troop pullout would ''create an environment where the enemy would come back and fill the void.''

General Lynch added that in the field, Iraqi citizens often ask two questions. The first is whether the U.S. is staying. The second is how can we help. Iraqis, tired of having their villages attacked, their homes destroyed by the so-called insurgents—are looking to America. But they want to know that we will be there if they make a commitment.

I appreciate those clear words from one of our military commanders on the ground. Would it be a good idea to consult them first? No one cares more about our troops than the officers who lead them. I rather take his view than that of a politician.

Come September we are set to receive an update from General Petraeus on the status of operations after the surge has been in place long enough for us to tell whether or not we are making the progress that needs to be made. At that point let us reassess. Are our goals attainable?

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, we have nearly finished this little exhibition, which was staged, I assume, for the benefit of a briefly amused press corps and in deference to political activists who oppose the war who have come to expect from Congress such gestures, empty though they may be, as proof that the majority in the Senate has heard their demands for action to end the war in Iraq.

The outcome of this debate, the vote we are about to take, has never been in doubt to a single Member of this body and, to state the obvious, nothing we have done for the last 24 hours will have changed any facts on the ground in Iraq or made the outcome of the war any more or less important to the security of our country. The stakes in this war remain as high today as they were yesterday. The consequences of an American defeat are just as great, the cost of success just as dear. No battle will have been won or lost, no enemy captured or killed, no ground will have been taken or surrendered, no soldier will have survived or been wounded, died, or come home because we spent an entire night delivering our poll-tested message points, spinning our sound bites, arguing with each other, and substituting our amateur theatrics for statesmanship. All we have achieved is remarkably similar newspaper accounts of our inflated sense of the drama of this display and our own temporary physical fatigue. Tomorrow, the press will move on to other things and we will be better rested. But nothing else has changed.

In Iraq, the American soldiers—marines, sailors, and airmen—are still fighting bravely and tenaciously in battles that are as dangerous, difficult, and consequential as the great battles of our Armed Forces' storied past. Our enemies will still be intent on defeating us and using our defeat to encourage their followers in the jihad they wage against us, a war which will become a greater threat to us should we quit the central battlefield in defeat. The Middle East will still be a tinderbox which our defeat could ignite in a regional war that will imperil our vital interests at risk there and draw us into a longer and far more costly war. The prospect of genocide in Iraq, in which we will be morally complicit, is still as real a consequence of our withdrawal today as it was yesterday.

During our extended debate over the last few days, I have heard Senators repeat certain arguments over and over. My friends on the other side of this argument accuse those of us who oppose this amendment with advocating ''staying the course,'' which is intended to suggest that we are intent on continuing the mistakes that have put the outcome of the war in doubt. Yet we all know that with the arrival of General Petraeus, we have changed course. We are now fighting with a counterinsurgency strategy, which some of us have argued we should have been following from the beginning and which makes the most effective use of our strength and does not strengthen the tactics of our enemy. The new battle plan is succeeding where our previous tactics have failed, although the outcome remains far from certain.

The tactics proposed in the amendment offered by my friends, Senators LEVIN and REED—a smaller force confined to bases distant from the battlefield, from where they will launch occasional search-and-destroy missions and train the Iraqi military—are precisely the tactics employed for most of the war, which have, by anyone's account, failed miserably. Now, that, Mr. President, is staying the course, and it is a course that inevitably leads to our defeat and the catastrophic consequences for Iraq, the region, and the security of the United States that our defeat would entail.

Yes, we have heard quite a bit about the folly of staying the course, though the real outcome, should this amendment prevail and be signed into law, would be to deny our generals and the Americans they have the honor to command the ability to try, in this late hour, to address the calamity these tried and failed tactics produced and salvage from the wreckage of our previous failures a measure of stability for Iraq and the Middle East and a more secure future for the American people.

I have also listened to my colleagues on the other side repeatedly remind us that the American people have spoken in the last election. They have demanded we withdraw from Iraq and it is our responsibility to do, as quickly as possible, what they have bid us to do. Is that our primary responsibility? Really? Is that how we construe our role, to follow without question popular opinion even if we believe it to be in error and likely to endanger the security of the country we have sworn to defend? Surely we must be responsive to the people who have elected us to office and who, if it is their wish, will remove us when they become unsatisfied with our failure to heed their demands. I understand that, of course. And I understand why so many Americans have become sick and tired of this war, given the many mistakes made by civilian and military leaders in its prosecution. I, too, have been made sick at heart by these mistakes and the terrible price we have paid for them. But I cannot react to these mistakes by embracing a course of action that I know will be an even greater mistake, a mistake of colossal historical proportions, which will—and I am as sure of this as I am of anything—seriously endanger the people I represent and the country I have served all my adult life.

I have many responsibilities to the people of Arizona and to all Americans. I take them all seriously, or I try to. But I have one responsibility that outweighs all the others, and that is to do everything in my power to use whatever meager talents I possess and every resource God has granted me to protect the security of this great and good Nation from all enemies foreign and domestic. And that I intend to do, even if I must stand to thwart popular public opinion. I will explain my reasons to the American people, I will attempt to convince as many of my countrymen as I can that we must show even greater patience—though our patience is nearly exhausted—and that as long as there is a prospect for not losing this war, then we must not choose to lose it. That is how I construe my responsibility to my constituency and my country. That is how I construed it yesterday, that is how I construe it today, and that is how I will construe it tomorrow. I do not know how I could choose any other course.

I cannot be certain that I possess the skills to be persuasive. I cannot be certain that even if I could convince Americans to give General Petraeus the time he needs to determine whether we can prevail that we will prevail in Iraq. All I am certain of is that our defeat there would be catastrophic, not

just for Iraq but for us, and that I cannot be complicit in it. I must do whatever I can, whether I am effective or not, to help us try to avert it. That, Mr. President, is all I can possibly offer my country at this time. It is not much compared to the sacrifices made by Americans who have volunteered to shoulder a rifle and fight this war for us. I know that. And I am humbled by it, as we all are. But though my duty is neither dangerous nor onerous, it compels me nonetheless to say to my colleagues, and to all Americans who disagree with me, that as long as we have a chance to succeed, we must try to succeed.

I am privileged, as we all are, to be subject to the judgment of the American people and history. But, my friends, they are not always the same judgment. The verdict of the people will arrive long before history's. I am unlikely to ever know how history has judged us in this hour. The public's judgment of me I will know soon enough. I will accept it, as I must. But whether it is favorable or unforgiving, I will stand where I stand and take comfort from my confidence that I took my responsibilities to my country seriously, and despite the mistakes I have made as a public servant and the flaws I have as an advocate, I tried as best I could to help the country we all love remain as safe as she could be in an hour of serious peril.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I wish to thank my colleagues from Michigan and Rhode Island for their great leadership on this issue, and I want to say that I have a great deal of respect for my friend from Arizona. He said we shouldn't make this debate one of sound bites, and that is one of the reasons I rise.

Repeatedly, we have heard from the other side the slogan ''cut and run.'' When they use ''cut and run,'' that is the same kind of dangerous, nasty sloganeering that got us into this mess to begin with. The other side—some, anyway—seem to have a penchant for avoiding serious debate and instead use slogans as a sort of 2 by 4 to beat the other side into submission. Well, first, I want to assure my colleagues that is not going to happen. We believe strongly in our position, and it is right.

But I want to ask my colleagues who use the slogan ''cut and run,'' do they believe that 70 percent of the American people are for cut and run? Because 70 percent are for withdrawal within a year. Do they believe the brave soldiers who are risking their lives for us are cut and run when they say to us—and many have—that this policy makes no sense? Do they accuse the parents of the loved ones who have died and who then say they do not believe we should be there to be for cut and run?

Let us have a serious debate, as we have had tonight, last night, and this morning. Let us have a serious debate, as we have had, but let us not resort to these slogans, and let us not let fear overtake policy. That is why we got in the mess in the first place.

Let me just review for my colleagues what Levin-Reed does. Levin-Reed says that we begin to withdraw in 120 days, complete the withdrawal by April, and then leave what force is necessary for counterterrorism, training, and force protection. It will be a much smaller force, most of them will be out of harm's way, but it is decidedly not cut and run.

I want to ask my colleagues one more question. When the President, in September, decides to withdraw troops, which he will have to do, given both the facts on the ground and the pressures from his side of the aisle, are those colleagues going to accuse the President of cut and run?

I yield the floor.

Mr. LEVIN. Mr. President, I yield to the Senator from Washington.

Mrs. MURRAY. Mr. President, we had a tremendous debate last night, and we are close to a vote today. I am proud of the debate that has occurred, and I hope all Senators will shortly vote on the Levin-Reed amendment to redeploy our troops from Iraq, to refocus our fight on al-Qaida, and to support our men and women who serve us overseas.

It is time for President Bush to finally accept what the American people already know: the war in Iraq is not making us safer, and our troops should not remain in the crossfire of that country's civil war.

Unfortunately, President Bush refuses to listen to the generals, to the commissions, and to the experts. He stubbornly insists that leaving American troops in the middle of a civil war will somehow cause factions that have been fighting for centuries to agree to work together.

We have tried that approach, and we have paid dearly. We have given the Iraqi Government the time to reach the agreements needed to form a stable government. We have done our part. The Iraqi Government has not done its part.

We should not ask more Americans to sacrifice their lives for an Iraqi government that is unwilling to make even the smallest sacrifices for their people and their future.

Because the President refuses to follow a responsible path forward, we in Congress must force a change in our country's policy on Iraq. For months, Democrats have been trying to force that change.

We have been blocked by Republicans who've continued to support the President's ''war without end.'' Now—we are starting to see responsible Senators break ranks with the President and work with us to improve our security.

The upcoming vote on the Reed-Levin amendment is a test for all Senators. Do they stand alone with the President, or do they support redeploying our troops and making. America more secure? That is the choice every Senator will have to make on this vote.

As we look at the challenges in Iraq—and the threats around the world—Democrats want to do four things; redeploy our troops from Iraq; refocuses our fight on al-Qaida; rebuild our military; and respect our veterans.

That is the responsible way to protect our citizens, keep our country safe, and keep our military strong.

We have tried the President's direction, and where had it led us? More than 3,600 American service members have been killed and another 20,000 wounded. We have spent nearly 500 billion taxpayer dollars, and under the President's approach there is not end in sight.

It's time for a new direction, and it begins with redeploying our troops.

Iraq's civil war cannot be solved by our military. It can only be solved when the Iraqis decide for themselves that working together will bring them a better future.

As a foreign military power, we cannot force the Iraqis to set aside their differences and work together. They have to reach that conclusion themselves it Iraq is to ever become a peaceful, stable country.

When I was in Iraq in 2005, I met with the leaders of the various factions. Each of them saw themselves as representing their ''one group—not as people who needed to come together for the greater good.'' Unfortunately, since my visit, those sectarian differences have only gotten stronger.

The Iraqis have not made the progress that only they can make, and I don't think we should keep asking Americans to risk their lives for an Iraqi Government that's not doing its job.

So our first step must be to redeploy our troops out of Iraq. The Reed-Levin amendment sets a firm deadline to begin the redeployment beginning 120 days after enactment, and it sets April 30, 2008, as the date to complete the redeployment.

Now this does not mean that every servicemember will be coming home. As Senator LUGAR said, we will need to keep some servicemembers in Iraq for counterterrorism, for training, and to protect American interests. Other troops will be needed in other places around the globe as we stay on the offensive against al-Qaida and other terrorists. But under this amendment, the bulk of U.S. troops will be redeployment from Iraq.

Second, after we redeploy out troops, we need to refocus our energy on defeating al-Qaida.

Today, the Director of National Intelligence released the latest National Intelligence Estimate. The report says al-Qaida has ''Protected and regenerated key elements of its Homeland attack capability.''

The report also says that al-Qaida has established a safe haven in northwest Pakistan, has operational lieutenants, and still has its top leadership in place. And it is determined to strike us here at home.

So while the President has kept our military tied up in Iraq, al-Qaida has been gaining strength, and we must defeat it.

Third, we need to rebuild our military. According to generals who have testified before Congress, the war in Iraq has weakened our military's readiness, left our equipment destroyed, hurt our ability to respond to disasters at home, and left our troops without fully rounded training.

Today, we are forcing a very tough tempo on our servicemembers. The Pentagon has extended tours of duties for our troops. The administration has deployed troops sooner than planned.

The administration has sent troops without all the training and equipment they could have received.

The administration has deployed troops without the down-time at home that our servicemembers and their families deserve. In fact, 56 members of the U.S. Senate tried to fix that last week with the Webb amendment, but a majority of Republican Senators blocked us.

Our military is the best in the world. I believe we need to address the strains on our servicemembers, so we can remain the best in the world.

The Iraq war is also impairing our readiness by destroying our equipment. For example, the Army is supposed to have five brigades' worth of equipment pre-positioned overseas. But because of the war in Iraq, the Army is depleting those reserves.

General Peter Schoomaker told the Senate in March, ''It will take us two years to rebuild those stocks.''

Mr. President, our military is the best in the world. I believe we need to address the strains on equipment and personnel, so we can remain the best in the world.

To meet the President's surge, the Pentagon has been sending some troops to Iraq earlier than planned and keeping other units there longer than planned. That means that troops get less time at home, less time between deployments, and less time to train.

Commanders are forced to shorten the training their troops receive, so they are focusing on the specific training they need for Iraq—but not for other potential conflicts.

Now, that makes sense. If there's limited training time, we want all that time devoted to their most immediate need. However, many military leaders are warning that this fast pace diminishes our ability to respond to other potential conflicts.

Here's how the colonel who commands the 1st Marine Regiment put it:

> Our greatest challenge is and will remain available training time, and because that time is limited, our training will continue to focus on the specific mission in Iraq. This has, and will continue to, limit our ability to train for other operations.

Army COL Michael Beech told the Senate in April that he believes our training strategy is broad enough to support a variety of other events. But he added: ''However, if deployed in support of other emerging contingencies, I would be concerned with the atrophy of some specific tactical skills unique to the higher-intensity conflicts.''

So military commanders are telling us they are concerned that our ability to train for other missions has been limited and certain tactical skills have had to take a backseat to Iraq.

We need to make sure our troops are trained for whatever conflict they might face, and changing direction in Iraq will allow us to do that.

Mr. President, the Iraq war has especially impacted the readiness of our National Guard. The chief of the National Guard Bureau, LTG Stephen Blum, testified that the readiness of National Guard forces is at an historic low. General Blum said that ''Eighty-eight percent of the forces that are back here in the United States are very poorly equipped today in the Army National Guard.''

Not only do we rely on our Guard and Reserve members around the world, but we rely on them here at home to respond to natural disasters and emergencies. With fire season upon us on the west coast, I'm very concerned that we don't have all the capabilities at home we should have.

After the horrible tornadoes in Kansas, the Governor of Kansas said that recovery efforts were hampered because there weren't enough personnel or equipment. Those resources were in Iraq, not here at home.

COL Timothy Orr of the U.S. Army National Guard told the Senate that his brigade's homeland security capabilities have been degraded. He testified:

> Our ability as a brigade to perform these [homeland] missions continues to be degraded by continued equipment shortages, substitutions, and the cross-leveling of equipment between the state and nation to support our deploying units.

Finally, we need to respect our veterans. That means keeping our promise to meet their needs as a they come home—whether it's for healthcare, benefits, education or support.

Since Democrats have controlled Congress, we have made dramatic progress for our veterans. First we passed a budget that treated our veterans as a priority.

I serve on the Budget Committee and I was pleased to work with Chairman CONRAD to pass a budget resolution that provides over $43.1 billion for veterans' care.

Our budget increases funding for veterans by $3.5 billion over the President's proposal; funds 98 percent of the independent budget, which is devised by veterans service organizations; and it rejects the higher fees and copayments that the President had proposed, which would have forced more than 100,000 veterans to leave the VA health system.

We also passed a supplemental that for the first time since the start of the war provided funding to help met the needs of our veterans.

We provided $1.78 billion for the Department of Veterans Affairs to help those returning from Iraq and Afghanistan, to reduce the backlog in benefits, and to ensure medical facilities are maintained at the highest level.

And just last week, we added the wounded warriors bill to the Defense authorization bill. This proposal will address any of the problems that came to light from the Walter Reed investigations. It will ensure service members don't fall through the cracks as the move from the Pentagon to the VA. It will help us diagnose, prevent and treat PTSD and traumatic brain injury. And it addresses the problems with unfair disability ratings among other improvements.

Mr. President, it is time to change course in Iraq. So far the President has been unwilling to recognize the reality on the ground.

Here in the Senate, we have an opportunity to force the President to change course in a responsible way.

The Reed-Levin amendment gives every Senator a choice; either you want to stay the course in Iraq and leave Americans in the middle of a violent civil war or you believe it's time for a change.

I urge my colleagues to do the responsible thing for our troops, their families, our military's readiness and the fight against terror by voting for this amendment.

Mr. LEVIN. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The senior Senator from Rhode Island is recognized for 3 minutes.

Mr. REED. Mr. President, President Bush is fond of slogans over strategy. We have heard them—''bring them on,'' ''cut and run,'' ''as they stand up, we will stand down.'' As my colleague, Senator SNOWE, and our cosponsors have pointed out, he is fond of placing hopes over reality. Well, the reality today is threefold.

First, the precise steps must be taken by Iraq's political leaders, and they have not done that. Second, we cannot sustain this level of force past next spring because of the limits of our military structure. Third, the President has lost the confidence of the American people and the public support, and you cannot conduct a strategy without that.

That is not a political comment, that is a strategic tactical comment. According to the Field Manual, and I quote:

> At the strategic level gaining and maintaining U.S. public support for a tactical deployment is critical.

We must change our strategy in Iraq. No strategy can be sustained, regardless of the slogan, without the necessary troops and strong public support, and in this case decisive action by the Iraqi political leadership. The longer we delay—the longer we delay—the more public support erodes and options to avoid a more chaotic redeployment disappear.

To those who urge delay, to wait until September, to wait until next spring, I would ask them to ask several questions: First, after 4 years of observing the political process in Baghdad, political maneuvering without effect, do they believe 6 weeks, until September, 6 months, or even 6 years will fundamentally change the sectarian political dynamic in Baghdad, the violent struggle between Shia, who feel paranoid, and Sunnis, who feel entitled to rule? Even on a tactical level, will 6 weeks or 6 months or 6 years provide irreversible progress on the ground without the political progress necessary?

The Levin-Reed amendment tries to recognize the reality on the ground both there and here and to shape our strategy to sustain an effort to serve the interest of this country, and we hope the region and the world, and I urge passage.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will yield myself the remainder of my time.

Just about everybody now agrees there is no military solution in Iraq and that the only way to end the violence is for the Iraqi political leaders to settle their differences. Their own Prime Minister Maliki acknowledged that in November when he said, in words that all of us should remember:

> The crisis is political and the ones who can stop the cycle of . . . bloodletting of innocents are the [Iraqi] politicians.

Our brave service men and women are dying and being wounded while Iraqi leaders dawdle. The Iraqi leaders themselves made specific commitments to pass legislation relative to sharing power, sharing resources, amending their Constitution, holding provincial elections. They made those commitments to be achieved by specific dates. They were their commitments. We didn't impose them on them. These are their commitments that they have not kept. Because they have not kept their commitments, our troops are paying the price, caught in a crossfire of a civil war.

If there is any hope of forcing the Iraqi political leaders to take responsibility for their own country, it is to have a timetable to begin reducing American forces and to redeploy our forces to a more limited support mission instead of being everybody's target in the middle of a civil war. That transition is the only way we can force the Iraqi leaders to act.

If the Republican leader's procedural roadblock proceeds this morning, we will be denied the opportunity to vote on an issue which just about every American has strong feelings on: whether to change course in Iraq by setting a timetable to reduce the number of our troops in Iraq. Because of that procedural roadblock, we will not be voting at 11 o'clock on Levin-Reed but on whether to proceed to vote on Levin-Reed.

Our amendment deserves the chance to be voted on by this body. The American people deserve that vote. They deserve to know if we support a timetable to reduce our troop presence in Iraq. They deserve to know whether each of us favors a change of course in Iraq. If you do not agree with our amendment, vote against it. But do not prevent the Senate from voting on it, expressing our will on this critical issue. The American people deserve for us to vote up or down, do we want to change course in Iraq in order to improve the chance of success in Iraq, which can only happen if the Iraqi leaders understand we cannot save them from themselves.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, yesterday I characterized that the Democratic leadership's decision to hold us here through the night as a theatrical display more worthy of Hollywood than Washington. Indeed, anyone who watched it all unfold might have thought they were tuning in to an episode of the ''Twilight Zone.''

How else can we explain a majority party that was asked repeatedly the day before to schedule a vote on the pending Levin troop withdrawal amendment standing straight-faced on the Senate floor in front of giant billboards that read: ''Let us Vote.'' How else to explain Member after Member standing up to rail against a 60–vote threshold that they frequently insist upon themselves.

The junior Senator from Connecticut has embodied the best traditions of this country and this body throughout this entire debate. He has taken a lonely stand. In acting out the freedom and the power that he and every other proud voice of dissent has under the Rules of this body, he showed the world the greatness and the genius of our Government. Here's what Senator LIEBERMAN had to say:

> I am exercising my right within the tradition of the Senate to do what senior colleagues have advised over the years—to stop the passions, the political passions of a moment from sweeping across Congress into law . . . so with respect to my colleagues who are saying, let us vote, we will vote. But the question is, on that vote, will we ask for 60 votes for pass this very, very significant amendment? And I say it is in the best traditions of the United States Senate to require 60 votes before this amendment is adopted.

So before discussing the amendment itself, I want to thank my colleague, the junior Senator from Connecticut for his courage, for reminding us again and again, at no little personal cost to himself, what we are about in this war and what we are about in this body.

Last night's theatrics accomplished nothing. Nearly every major paper in America noted this morning that we could have had the vote on the Levin troop withdrawal amendment without any of this fanfare. And that is really all it amounted to: sound and fury, because after 24 hours of debate, after all the gags and giggles and gimmicks, the cold pizza and the empty cots, the essential thing remained unsaid. We still don't know what the amendment we are about to vote on would mean for our troops, our allies, our mission, or our interests.

With the Senate now in its second week of debate on the Levin amendment, after last night's 24-hour talkathon, I rise yet again to ask a simple question: What would the Levin amendment do?

Its sponsor tried to explain on Sunday the practical effect it would have. He said, ''Most of our troops would be out of there by April 30.''

Can he show me where in the text it says this? He can't. It doesn't. This 1½ page amendment contains nothing but vague assertions.

We need to know what the authors of this amendment intend to do with this mission, what their plan is. General Petraeus deserves to know. Our troops deserve to know. Our allies deserve to know. The people of Iraq deserve to know.

So I ask again the questions I asked last week: the Levin amendment says the Secretary of Defense shall ''commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.'' What would this reduction involve?

The Levin amendment says members of our Armed Forces will only be free to protect United States and Coalition personnel and infrastructure, to train Iraqi Security Forces, and to engage in ''targeted counterterrorism operations against Al Qaeda.'' What does ''targeted'' mean?

The senior Senator from Michigan was asked these questions by the press. He said he didn't want to get into a debate as to how many troops will be needed. He said answering that question would be changing the subject. But that is the subject, isn't it?—whether and how many troops we are going to keep in Iraq.

Isn't that what this whole debate is about? Don't we have a right to know how many troops the senior Senator from Michigan thinks are necessary to achieve our goals? To prevent the mayhem our top commanders have warned would be the result of a precipitous withdrawal?

The most important questions are left unanswered. All we have are vague assertions that no one, not even the sponsor of this amendment, has attempted to explain with any measure of clarity.

Let me remind my colleagues what we do have clarity on. Let me remind

the Senate of what we agreed to in legislation in May as a framework for considering our current strategy in Iraq.

A bipartisan majority voted 80 to 14 in May to fund General Petraeus's Baghdad Security Plan. We agreed that we would receive a report on benchmarks in July. We voted, and put into law, that General Petraeus and Ambassador Crocker would report in September on progress.

We are now in the second week of debate on the Levin amendment, and we expect several others will be filed outlining a number of different ways of revisiting the Petraeus plan.

But in my judgment, the plan we put forward in May, and put into law, is still valid—to give General Petraeus and Ambassador Crocker about 60 more days to prepare their assessment. At that point we will have allowed the Baghdad Security Plan 3 months to work since it became fully manned last month. The benchmarks report and the timeline we set in May was clear. It gave us, the troops, and our allies, clarity on what was expected.

A Democratic-led Senate voted to 81–0 to send General Petraeus into Iraq. A bipartisan majority of 80 senators told him in May that he had until September to report back on progress. His strategy has led to some military successes. Yet just 1 month after this strategy became fully-manned, Democrats are declaring it a failure. Some of them were calling it a failure as early as January.

The Levin amendment is not a credible alternative to the current strategy. By aiming to short-circuit the Petraeus plan just 1 month after it became fully manned and 2 months before we would expect a report, we short-change ourselves and our forces on the field.

We need to give General Petraeus until September to do his work. That is a commitment we made and signed into law. We need to stand by that commitment.

For this and the other reasons I have outlined, I will vote against cloture on the Levin amendment. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. First, Mr. President, I extend my appreciation—I speak for all Senators, Democrats and Republicans—for the help we received this past 2 days from the employees who are working in the Capitol complex. Hundreds and hundreds of employees are here every day. They were here all night last night, most of them with little or no rest. This great facility would not operate every day but for them.

I am especially fond of and protective of the Capitol Police because I was one. But they are only the vessel about which I speak today, because it is not only the Capitol Police—and they worked long and hard—but it is the custodians, it is everyone including the valiant staff we have seated before the Presiding Officer. If we were asked—any one of 100 Senators—how to get something done here without them, we couldn't do it. I have been here for a quarter of a century. I could be here for a quarter of a century more and still couldn't understand how their important work is done. Again, speaking for all Senators, I say to all who work here in the Capitol, we appreciate very much your time and effort.

I hope these past 2 days have shined a bright light on how important our work is here in the Senate. The American people have spoken so many different ways. We are, of course, faced every day with the never-ending polls that this organization takes, that organization takes, and a lot of times there is some variance in those poll numbers—but not the last couple of months. The American public opposes the surge; they are opposed to the war; they want our valiant troops to come home.

As I wrote to the distinguished Republican leader yesterday:

> There are no more solemn decisions facing Members of Congress than the conduct of war and the placing of troops in harm's way.

Mr. President, that is true. This I sincerely believe.

Last night we had an event at 9 o'clock in the park. A Congressman by the name of PATRICK MURPHY spoke. He is from Pennsylvania. He was in Iraq, fighting as a soldier, a few years ago. He is now a Member of Congress. He talked about the need for us to bring home his comrades, the people who served with him. When he came home, 18 others, those other paratroopers in his unit, were dead.

What we are dealing with here is most important, most serious, and that is why we have been at it for 2 days nonstop. This is one of the most important decisions Members of Congress will ever be required to make, especially given the stakes involved, the stakes in the Middle East, in Iraq, for our military and for our national security.

We must proceed carefully and deliberately but proceed we must. The actions we take here can force a change, a change in President Bush's badly failed Iraq policy. That is what the American people expect the Senate to do, not simply to walk in lockstep as the President continues to walk down this disastrous path, but to finally change direction. That is our goal. That is what we must do and that is what the Levin-Reed amendment does.

The amendment recognizes what General Petraeus and all the experts have said from the very beginning: There is no military solution to the chaos in Iraq. The amendment recognizes that the more U.S. military forces caught policing the civil war in this country we call Iraq, it is not to the interests of the United States and it is not in the interests of bringing stability to Iraq. The amendment recognizes we have an enduring interest in Iraq, and certainly in the Middle East, and we will not abandon those interests.

Levin-Reed gives the President no choice but to change course. Levin-Reed requires the President take the steps to responsibly end the war that the country and our brave men and women in uniform demand and deserve. Bring them home. Let them come home. Levin-Reed sets a firm start date and a firm end date to transition the mission to begin the reduction of U.S. forces beginning 120 days after enactment, and to be completed by April 30, 2008.

Levin-Reed limits the United States mission to limit it to counterterror, training, and force protection operations after April 30, and requires that the reduction in forces be part of a comprehensive diplomatic, regional, political, and economic effort, including the appointment of an international mediator.

I am compelled to defend the authors of this amendment. My friend, my counterpart, the distinguished Senator from Kentucky, ridiculed, belittled this amendment. Those of us who have served in the Senate know that any time CARL LEVIN deals with legislation, there is nothing—nothing—left for guesswork. Literally every ''i'' that should be dotted, every ''t'' that should be crossed, every comma that should be in a sentence, every semicolon that is placed there once in a while, will be in that legislation. I say this with all my friends here in the Senate, no one is a better legislator than CARL LEVIN. All who have served in the Senate have dealt with him. There is no way you can give him something and say, Is this OK with you, but he will say, No, I have to read it. After he reads it, he has to study it.

We all know what the Levin-Reed amendment talks about. What a combination. This good man from Michigan, who has devoted his life to public service and has spent his Senate career in the Armed Services Committee, teamed up with a graduate of West Point, JACK REED, to whom we all look for advice militarily. How many times has he been to Iraq, 8, 10 times?

Why is it important that JACK REED went to Iraq? Because he served at West Point with many of the people over there now who are officers. He can get information there that none of the rest of us can get. What a combination. What does this combination say to the American people? That there must be an end date to what is going on in Iraq.

Their amendment, I repeat, says there must be redeployment starting in 120 days. That is pretty straightforward.

Mr. President, I will use leader time if my time runs out.

It also says that redeployment will start in 120 days; that on April 30, 2008, the forces left in Iraq according to our military will be used for counterterrorism activities, training the Iraqis, and protecting our assets in Iraq. There is not much to speculate on what that

means. Of course, the military will set what parameters will be used in those different duties they have, but the military—that is what they do. So this amendment of Senators LEVIN and REED is very understandable, it is direct and to the point. It is a simple, straightforward, responsible amendment. It strikes the right balance between military and diplomatic solutions. It allows our Nation to reduce its large combat footprint in Iraq and refocus on the enemy that attacked the Nation nearly 6 years ago.

For the American people, the surge has had far too long to determine whether it will work. Six months, 600 dead Americans, untold numbers wounded, $60 billion. This amendment allows our Nation to reduce its large combat footprint in Iraq. It gives our troops the strategy they need to succeed in a very difficult environment. It is supported by an overwhelming majority of the American people, it is supported by a bipartisan majority in the Senate and, most important, it is binding.

President Bush has proven beyond any doubt that if we simply express opinion and pass ''Sense of the Senate'' legislation, if we do not put teeth behind our legislation, he will ignore us.

It could not be clearer that if we give this President a choice, he will stay hunkered down in Iraq until the end of his failed Presidency.

The National Intelligence Estimate report released yesterday amplifies the fact that the war in Iraq has taken our attention and resources away from the growing threats we face around the world. We cannot keep marking time while President Bush's failed war plan continues to crumble.

We can vote to end the war right now. Democrats are united in our commitment to do so and our resolve has never been stronger. More and more Republicans have come out to publicly break from the President's endless war strategy. They deserve credit for doing so. I commend and applaud them. But their words will not end the war; their votes will.

After 52 months of war; after more than 3,600 American dead; after tens of thousands more wounded; after $500 billion of our tax dollars spent; after chaos in Iraq has become entrenched; after no meaningful signs of progress by the Iraqi Government; after the President's own intelligence reports indicate that the war has made us less safe and al-Qaida is gaining strength; after a troop escalation has only led to more violence; after all of this, after all of this, isn't it time to choose a new path? The answer is yes.

Let's choose that new path now. Let's finally answer the call of the American people. I urge my Republican colleagues to end this filibuster. I urge them to stop blocking a vote on this crucial war-ending amendment. By voting yes on cloture, we can make this the first day of the end of the war.

Mr. President, I ask unanimous consent that Members would vote from their desks. I further ask unanimous consent that the Chaplain give our daily player immediately following my remarks, which I have completed. The reason is, otherwise, he would do it at 1 o'clock. If ever there were a time for prayer, it would be before this very important vote.

I ask unanimous consent that we vote from our desks. I have cleared this with the Republican leader, and ask that the Chaplain be now called upon to render the prayer.

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

Pursuant to the order of February 29, 1960, as modified this day, the Senate, having been in continuous session, will suspend for a prayer by the Chief of Staff to the Senate Chaplain, Alan N. Keiran.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Eternal Father, Creator of the season, as the Members of this body run a legislative marathon, may they feel Your devine presence. Allow contact with You to calm their fears, to silence their anxiety, to hush their restlessness and to fill them with Your peace. Strengthen them so that they are not weary in pursuing a worthy goal knowing that a harvest awaits those who persevere in doing Your will.

Give them gratitude for the opportunities You have given them to be stewards of our national destiny. And as You remind them that to whom much is given, much is expected.

We pray for Your will to be done here in this Chamber as in heaven. In Your mighty Name I pray. Amen.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

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.

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

The question is, Is it the sense of the Senate that debate on Senate amendment No. 2087 offered by the Senator from Michigan, Mr. LEVIN, to H.R. 1585 shall be brought to a close?

The yeas and names are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—52

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Hagel	Obama
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Collins	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NAYS—47

Alexander	DeMint	Martinez
Allard	Dole	McCain
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Reid
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hatch	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Levin-Reed amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, this has been a long week, and it is hard to comprehend, but it is only Wednesday, Wednesday morning. We have now been in session continuously for 2 days. On Monday, I submitted a simple request for consent to proceed to an up-or-down vote on the Levin-Reed amendment to the Defense authorization bill. As I have stated, this amendment provides a clear, binding responsible path to change the U.S. mission and reduce our combat presence in Iraq. It honors the sacrifice of our troops, reflects the will of the American people, and lets us rebuild and focus our military on the growing threats we face throughout the world.

Regrettably, Republicans chose to block this amendment. They chose to block a bipartisan amendment, Mr. President, to deny the American people an up-or-down vote. They chose to continue protecting their President instead of our troops, no matter the cost to our country.

In contrast, my Democratic colleagues and a number of brave Republicans came to the floor of the Senate throughout the night to make our case. I am proud of what they have said and what they have done. We spent 2 days showing America that we are not going to back down, we are going to continue to fight, and that if President Bush and his allies in Congress refuse to budge, we will continue to show them the way.

How could we possibly shrink from this fight? How could we possibly try to avoid this fight? As we speak, many of our 160,000 men and women serving in Iraq are wrapping up another day of war, real war on foreign sands. For them, it was yet another day caught in an intractable civil war, Sunni versus Shia, Shia versus Sunni, Shia versus Shia, Sunni versus Sunni, and—what other combinations can we come up with—with our troops caught in the crossfires, our troops trying to protect the Shias, Sunnis, and the Kurds, and all of them after our troops.

As the Iraqi people have said in poll after poll, about 70 percent of them think we are doing more harm in their country than good.

The high temperature today in Iraq was about 115 degrees, and our troops were wearing about 100 pounds of equipment. This was the 1,583rd day of the war. They have served us each and every day with courage, despite being taken to war falsely, prematurely, and recklessly. They have served us each and every day with courage and valor, despite a President who still lacks a plan for success. They have served us each and every day with courage, despite too many in Congress who remain unwilling to change course.

Those 160,000 troops deserve more. They and all Americans deserve a debate and votes on legislation that will finally provide them a strategy to honor their great sacrifice.

As we have just seen, a bipartisan majority of the Senate supports Levin-Reed. A bipartisan majority of the Senate supports a binding new policy that would responsibly bring the war to an end so we can return our focus and resources to the real threats and challenges our great country faces. Yet a Republican minority blocked a vote on the bipartisan amendment that would deliver that new course, and instead they chose to stand behind the President and this tragic failure he has led.

So today I am filled with a mixture of pride and regret—pride for my colleagues, Democrats and Republicans, who have risen to this crucial cause in giving the American people the debate they deserve, yet regret for my colleagues who have blocked the will of the people and the majority of this Congress. I believe the will of the people must be heeded, and I believe this critical vote must proceed.

In an effort to make progress on this issue and this bill, I will, therefore, request unanimous consent to move to a vote on the four Iraq amendments to the Defense authorization bill outlined yesterday morning in my letter to Senator MCCONNELL. My unanimous consent request is eminently fair. It would provide up-or-down, yes-or-no votes on three other bipartisan Iraq amendments in exchange for the same on Levin-Reed.

Under my proposal, we would vote on these Iraq amendments: Levin-Reed, Lugar-Warner, Salazar-Alexander, and Nelson-Collins. In addition, I also indicated in my letter that I am prepared to agree to up-or-down votes on other amendments as well.

Therefore, Mr. President, I ask unanimous consent that when the Senate considers the following Iraq amendments, they be subject to majority votes: the pending Levin-Reed amendment, the Byrd-Clinton deauthorization amendment, the Warner-Lugar amendment No. 2208, the Salazar-Alexander Iraq Study Group amendment, the Nelson-Collins amendment No. 2124, and Senator LANDRIEU's al-Qaida amendment.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, not many Americans of our generation have failed to see the movie ''Casablanca.'' There are many memorable lines in that movie. My favorite was uttered by the actor, Claude Rains, when he walked into the casino and said incredulously: ''Gambling in Casablanca?'' Followed by the comment: ''Round up the usual suspects.''

Sixty votes in the Senate? As common as gambling in Casablanca.

I think we can stipulate, and my good friends on the other side of the aisle stipulated from time to time over the years when they were in the minority, that in the Senate it takes 60 votes on controversial matters. What is more controversial than the war in Iraq? Of course, it is going to take 60 votes. No one in the galleries and certainly no one in this town and even casual observers of the Senate across the country would be surprised that on a controversial matter of this consequence it would require 60 votes.

Now the leader has also made some observations about the status of the war. Most Members on this side of the aisle don't believe it is any accident that we haven't been attacked again since 9/11. They believe it is because we have been on the offense in places such as Afghanistan and Iraq, and we have taken it to the enemy. A lot of them are dead, many of them are in Guantanamo, and the rest are on the run.

There is no plan after the Levin amendment. Withdraw, and then what? What happens then? We haven't been dodging this debate. We offered to have the Levin amendment voted on yesterday. The only reason we stayed in all night was to provide a bit of theater on an extraordinarily important issue.

This is a serious debate. Members on this side of the aisle engaged in this debate throughout the evening. We were not afraid of the debate, but we certainly were not delaying the vote. We would have been happy to have the vote at any point over the last few days.

So, Mr. President, the request was that we have additional Iraq votes——

Mr. BYRD. Mr. President, may we have order?

Mr. MCCONNELL. With a simple majority.

Mr. BYRD. May we have order?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, this is not a movie in which we are involved. This is a debate on one of the most serious issues this country has ever faced. Thousands of Americans have been killed in Iraq, tens of thousands have been wounded, and we are depleting the National Treasury by more than half a trillion dollars. But my distinguished friend's statement clearly indicates what has happened in Iraq since we last took up this debate.

We passed the Defense authorization bill last November. We had Iraq amendments then. There were no 60-vote margins. But in the last 7 months since that debate took place, this war has gone in the wrong direction—in the wrong direction. That direction is the way that President Bush has managed this war. That is why all of a sudden now that 7 months has gone by with thousands more Americans being wounded, and hundreds and hundreds more being killed, suddenly this is an issue that requires 60 votes.

If there were ever a picture, look at what happened last November and look what happened today. Of course, they need 60 votes because all these amendments would pass with simple majority—all of them, every one of them telling the President he should change course. The difference is how to tell the President to change course. The Levin-Reed amendment did it by mandating a timeline.

I am disappointed to see that my friend is leading the Republicans to obstruction over progress. I understand the Senate rules. Other than this man sitting behind me, I think I know the rules about as well as anyone in this Chamber. I understand the Senate rules allow for minority filibuster over the will of the majority, but that is not the tradition of this bill, and it should not be the path that is chosen given the stakes involved.

But because Republicans continue to block votes on important amendments to the Defense authorization bill, we can make no further progress on Iraq and this bill at this time.

Progress is also blocked by two other troubling realities. First of all, more than 300 amendments have been filed. We have not been able to get a finite list of amendments for consideration. Majority and minority staffs of the Armed Services Committee have been

unable to work in a bipartisan manner to clear large numbers of routine amendments due to the objections of one or two Members on the other side of the aisle. The chairman and ranking member have been able to clear amendments in this fashion for as long as I can remember, but not this year, not with this handful of dedicated obstructionists—not all but a few.

Seated in this front row is one of the managers of this bill, Senator JOHN MCCAIN. JOHN MCCAIN is not known for putting things in managers' amendments that shouldn't be in managers' amendments. If there ever was a guardian of something in a managers' amendment, it is the senior Senator from Arizona. But in spite of that, in spite of his reputation, the reality is that no one puts anything in a managers' amendment unless this man looks it over—and he is a comanager of this bill—and we still haven't been able to clear these managers' amendments.

For these and other reasons, I temporarily laid aside the Defense authorization bill and entered a motion to reconsider. But let me be clear to all my colleagues, and especially my Republican colleagues, I emphasize the word ''temporarily.'' We will do everything in our power to change course in Iraq. We will do everything in our power to complete consideration of the Defense authorization bill. Why? Because we must do both.

I remind my Republican colleagues, even if this bill had passed yesterday, even if this bill passed today, its provisions would not take effect until next October.

So we will come back to this bill as soon as it is clear that we can make real progress. I have spoken with Senator LEVIN, the manager on this side. I have spoken with the assistant leader, the whip, Senator DURBIN. I have asked them to sit down with their counterparts, Senator MCCAIN and Senator LOTT, to work on a process to address these outstanding issues, especially the managers' amendment, so that the Senate can return to it as soon as possible.

In the meantime, we will continue to work with our Republican colleagues who are saying the right things—a number of them, a significant number of them—on Iraq but aren't yet committed to voting in the right way. But we will get there. As Gladstone once said:

> You cannot fight against the future. You cannot fight against the future. Time is on our side.

In this case, time and the American people are also on our side. The Levin-Reed amendment would allow us to rebuild our badly overburdened military and return our focus to the real security threats posed by al-Qaida and other terrorist organizations.

I think it is important, Mr. President, that I mention the other procedural roadblock that was thrown up trying to do this bill: the Webb amendment. What did the Webb amendment do? If you are in country 15 months, serving in the military, you should be able to stay home for 15 months. There was a procedural block.

The Levin-Reed amendment would allow us, as I have indicated, to take a look at our overburdened military and do something about it and return our focus to the real security threats posed by al-Qaida and other terrorist organizations. As the new National Intelligence Estimate makes very clear, these growing threats demand our attention.

In today's newspaper, and there are other places, but here is only one headline: ''Problems Spur Efforts in Protection of Federal Buildings.'' The Homeland Security Agency needs more help, is what this news story is all about.

President Bush likes to say we must fight the terrorists in Iraq so we do not have to fight them at home, but we all know there were no al-Qaida forces in Iraq prior to the war. And as the President's own intelligence experts admit, the war has only stoked the flames of terrorists and made us more vulnerable to attack.

These experts concluded in the National Intelligence Estimate that the threat to our homeland is growing as al-Qaida has regenerated its capacity to launch attacks. While the Bush administration's preoccupation with Iraq has prevented us from addressing that threat, there is important action the Senate can take and should take.

Therefore, I am going to ask unanimous consent to move to consideration of the Homeland Security appropriations bill, chaired by two of our most senior Members, Senator ROBERT BYRD and Senator THAD COCHRAN. This critically important legislation provides $37.6 billion for Homeland Security activities. It is more than the President asked, $2.3 billion. This bill was reported unanimously by the Senate Appropriations Committee—unanimously—and it will give the Senate an opportunity to show who is serious about protecting America from terrorist attacks.

I would hope that given the urgency of the national security issue, as highlighted by the National Intelligence Estimate and the need to make progress on appropriations bills, we can move to consideration of this most important bill.

The President, in his Saturday address 2 weeks ago this coming Saturday, said: Why aren't we doing appropriations bills? Well, we have an opportunity to do a very important appropriations bill dealing with homeland security. Our security—not dealing with Iraq, not dealing with Afghanistan—dealing with our security.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the Homeland Security appropriations bill, H.R. 2638.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, it is my understanding that the majority leader plans to take up this bill next week, not this week; is that right?

Mr. REID. I would really like to take it up now. That is why I asked this consent. I am sorry if there was some confusion in that regard.

Mr. MCCONNELL. It was my understanding the majority leader was planning to go to a reconciliation bill next and then try to get unanimous consent to go to this next week.

Mr. REID. The only reason I was doing that, of course, is that there was an inkling from your floor staff you would object to us going to this immediately.

Mr. MCCONNELL. I am going to object in the short term, and we can discuss it privately because I think there is a chance we can do that shortly. But for the moment I will object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

CLOTURE MOTION

Mr. REID. Mr. President, I am hopeful and confident we can work something out in this regard.

In order to protect our country, and all of us, I move to proceed to the consideration of H.R. 2638 and 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 motion to proceed to Calendar No. 206, H.R. 2638, the Homeland Security Appropriations Act, 2008.

Dick Durbin, Harry Reid, Mary Landrieu, Daniel K. Akaka, B.A. Mikulski, Barbara Boxer, Ted Kennedy, Max Baucus, Pat Leahy, Ben Nelson, Byron L. Dorgan, Debbie Stabenow, Jeff Bingaman, Charles Schumer, Dianne Feinstein, Herb Kohl, Patty Murray.

Mr. REID. Mr. President, I would also say, and hopefully we won't have to do this, I am cautiously optimistic we can avoid this, but I will ask unanimous consent that in case we can't, the mandatory quorum call under rule XXII be waived.

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

Mr. REID. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, let me just say a few more words. We have been prevented from acting on the 9/11 recommendations. I should say that now we are in conference, and I am so appreciative of that. I understand Chairman LIEBERMAN is going to hold his first meeting tomorrow. It took a while

to get there, but that is important. But we also need to change the course in Iraq, and that didn't happen, and so now we have this.

We have all seen and heard reports that our intelligence community has concluded that al-Qaida's strength has grown to its 9/11 levels, and the statement of the Secretary of Homeland Security that he has a gut feeling we are at greater risk of being attacked this summer by terrorists. In spite of all this, we have just seen an example of obstructionism that has slowed down and prevented the Senate from consideration of this bill today.

The latest obstruction would delay important investments. This Homeland Security bill does lots of things. We just finished the immigration debate. This is not as good for border security as the immigration bill would have been—I don't expect we will do that debate today—but it does do some good things. This bill hires 3,000 more Border Patrol agents and provides 4,000 more detention beds. When someone is picked up, they will have a place to put them. This provides $400 million for port security grants. This bill provides $1.83 billion for State and local first responders. And one other example is that this bill provides monies for the purchase and installation of explosive detection equipment at airports.

COLLEGE COST REDUCTION ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, in an effort to use our time effectively, while the cloture motion on Homeland Security ripens, I am asking now unanimous consent to proceed to the education reconciliation bill, a bipartisan bill that will make college education more affordable for hundreds of thousands of students.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, and I do intend to object, I believe this body ought to stay on the Defense authorization bill. We have just seen a procedure in the last 24 hours which has been a colossal waste of time.

The time to have a showdown with the President was either on the funding request, which was 2 months ago, or in September. There was no way there would have been sufficient votes to have 60 votes or 67 votes to have anything meaningful done. And speaking for myself, having been in this body for a substantial period of time, I think what has happened in the past 24 hours has been an indignity. This is reputed to be the world's——

Mr. REID. Mr. President, I ask for regular order.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I do object. And I would also——

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. The leader speaks at great length about if another Member seeks to speak, he ought to be accorded that privilege.

Mr. REID. Mr. President, he is going to have all day to talk. He has the right to object, and he did that. We listened to his statement.

We believe the American people were entitled to have 2 days, at least 2 days of debate on the Levin-Reed amendment to change the course in Iraq. He may disagree. I would bet, with all due respect to my friend, the senior Senator from Pennsylvania, that the people of Pennsylvania want a change of course in the intractable war in which we find ourselves in Iraq.

Mr. SPECTER. Will the majority leader yield?

Mr. REID. So the Senator can talk about a waste of time. But I move to proceed to H.R. 2669, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAPO).

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

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—49

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Stabenow
Casey	Levin	Tester
Clinton	Lieberman	Webb
Conrad	Lincoln	Whitehouse
Dodd	McCaskill	Wyden
Dorgan	Menendez	
Durbin	Mikulski	

NAYS—48

Alexander	DeMint	Martinez
Allard	Dole	McCain
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—3

Crapo	Johnson	Obama

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COLLEGE COST REDUCTION ACT OF 2007

The PRESIDING OFFICER. Without objection, the clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

Mr. KENNEDY. Mr. President, as I understand it, before the Senate now is the reconciliation provisions dealing with higher education. There are 20 hours that will be available, 10 hours on either side; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I know the Senator from Pennsylvania wishes to speak and also the Senator from West Virginia. After they have finished, I will proceed to make an opening statement.

How much time would the Senator like?

Mr. SPECTER. I would like 15 minutes, Mr. President. I understand Senator BYRD has a short statement, so I will defer to him.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator.

THE HOMELAND SECURITY APPROPRIATIONS

Mr. BYRD. Mr. Presdient, I rise today to express my surprise that there is actually an objection to taking up the fiscal year 2008 Homeland Security Appropriations bill today. The bill, which was reported by the Appropriations Committee by a vote of 29–0, provides $37.6 billion to help secure the homeland. That includes funds to secure our borders, funds to hire 3,000 more border patrol agents, and funds to provide 4,000 more detention beds. It includes funds for the men and women of the Coast Guard to guard our ports and seaways. It includes funds to protect 2 million citizens who travel by air every day, including money to inspect air cargo on passenger aircraft. There are funds to implement the SAFE Port Act. We include funds to equip and train our police, fire, and emergency medical personnel to deal with any disaster.

Incredibly, the President has threatened to veto the Homeland Security Appropriations bill because it exceeds his request. Today, we have heard an objection to even debating the bill from a Member on the President's side of the aisle.

Just last week, the Secretary of Homeland Security publicly said that it was his ''gut feeling'' that the United States faces an increased threat of attack this summer. Shouldn't that wake us up to the need to pass this bill?

On the heels of the Secretary's warnings, yesterday, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities . . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here. As a result, we judge that the United States currently is in a heightened threat environment. . . . We assess that al-Qa'ida's Homeland plotting is likely to continue to focus on prominent political, economic, and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the U.S. population.

Those are the words written by the best intelligence analysts in our Government. Is anybody listening? Hear me. Is anybody listening? Let me say this again to see if anybody is listening. Pay attention. I will quote again from the report. This is the latest national intelligence estimate concerning the terrorist threat to the U.S. homeland. Man, you better listen to that. You better listen. Hear me out there. I will quote again from the report.

We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years.

You better pay attention.

The main threat comes from Islamic terrorist groups and cells, especially al-Qaida, driven by their undiminished intent to attack the homeland—

Our homeland. Your homeland. My homeland.

and a continued effort by these terrorist groups to adapt and improve their capabilities. We judge that al-Qaida will intensify its efforts to put operatives here. Here.

Not somewhere else, here.

As a result, we judge that the United States currently is in a heightened threat environment. We assess that al-Qaida's homeland plotting is likely to continue to focus on prominent political, economic, and infrastructure targets, with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the population.

Those are the words, not by ROBERT C. BYRD, these are the words written by the best intelligence analysts in our Government. Is anybody listening? Is anybody listening? I say to my friend from Pennsylvania, bless his heart, he is one of the greatest Senators of all time, is anybody listening? You can bet the American public is listening.

My hope, the people out there looking at this floor, they are listening. The people out there on the highways and the byways, the mountains, the valleys, those warnings should compel our Government, both in the executive and legislative branches, to get our priorities straight.

It is the safety of the American people that matters here. Let me say that again. It is the safety of the American people, that is all 300 million of them, it is the safety of the American people that matters here, not some political ping-pong between the President and the Congress. Our mission must be to prevent terrorist attacks against this country.

In light of the concerns raised by his own administration about the threat of another terrorist attack, I call on the President, I call on the President to pull back on his veto threat. Pull back. I plead with all the Senators to allow this body to do the people's business and to proceed to the Homeland Security appropriations bill. The peoples' safety is at stake. Delay is foolish.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to the President, dated today, on this matter.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 18, 2007.

Hon. GEORGE W. BUSH,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT:

''We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here. As a result, we judge that the United States currently is in a heightened threat environment.''

Those are the words contained in the declassified National Intelligence Estimate, released yesterday. Those are the words written by the best intelligence analysts in our government. Those are the words that should force our government—both in the Executive and Legislative branches—to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country.

The Senate Committee on Appropriations has approved legislation investing $37.6 billion in the nation's highest-priority security projects. These dollars would be put to use immediately, toughening border security with new agents, better technology, and stricter immigration enforcement to close gaps that terrorists could exploit (as did the 9/11 hijackers). These dollars would help to shut down the dangerous gaps in security at U.S. seaports. The legislation would make serious investments in security at the nation's airports, deploying new canine teams and screening technology at airports nationwide to detect explosives and radiation in cargo loaded onto passenger aircraft. The funds would provide critical support for police officers, firefighters, and emergency medical teams—the first line of response to any attack.

Unfortunately, you have threatened to veto the homeland security funding legislation. In light of the new analysis from our intelligence experts and the warnings that they and Homeland Security Secretary Chertoff have voiced, I urge you to reconsider this veto threat.

With the concerns outlined by your Administration's top experts, and with the glaring gaps that continue to exist in our homeland security protections, we must come together in the best interests of the American people. It is their lives and their futures in danger. Posturing will not protect the people from attack. Smart investments in their security will.

Sincerely,

ROBERT C. BYRD.

The PRESIDING OFFICER (Mrs. MCCASKILL). The senior Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to conclude the statements I had made earlier today after being interrupted by the Senator from Nevada, that I might say accurately, rudely interrupted.

I was speaking in the context of reserving a right to object to a unanimous consent request, and the technical rules provide that speeches may not be made but only an objection lodged. But it has been the common practice in this body to allow a Senator who reserves the right to object to make a statement as to why the objection is being lodged.

This is in reply to the Senator asking unanimous consent and who has spoken at some length to give the reasons why an objection is being lodged. When the majority leader cut me off, then made reference to what the people of Pennsylvania want, the last time I looked, Senator CASEY and Senator SPECTER represented the people of Pennsylvania, not Senator HARRY REID.

When he talks about my State, then he talks about me, and he raises an intonation that I did not know what my constituents want. I at least ought to have an opportunity to reply because I think I know more about Pennsylvania than Senator REID does.

But to be cut off in that context was rude, to say the minimum. There are rules and there are customs, there are accepted practices. It is the custom of this body, when a Senator reserves a right to object and seeks to make a statement, to let him make the statement. That is the custom and that is the accepted practice. When the majority leader talks about the rules, we saw on the immigration bill how one Senator can tie this place up in knots, can bring the Senate to a screeching halt by utilizing the rules: asking for the full text of amendments be read, asking that the previous day's business be read. The rules would permit any Senator to stop the Senate in its tracks from doing any business.

So there is something more than the rules. There is the custom and there is the accepted practice that if the Senate does not run on comity, on courtesy, on basic decency, the Senate cannot run at all.

Now, I had made the comment about reserving the right to object because I strenuously object to what has transpired in this body in the past 24 hours. We had a meaningless, insulting, all-night session for absolutely no purpose. It was an indignity to the Senators who were kept here all night to vote on a procedure that had no purpose whatsoever. The Senate luxuriates in its

reputation as the world's greatest deliberative body. But last night's performance made us the laughingstock of the world. There was no way that anything meaningful would happen as a result of a vote on the Levin-Reed amendment. There is no doubt that there are not 67 votes present to override a veto. There is little doubt that there are not 60 votes present to bring the issue to a vote.

So what were we doing on an all-night session? The majority leader stated the purpose was to show the American people he would not back down. Well, I think he showed the American people how ineffective he is. The time when the majority leader and the Democratic leadership in the Congress could have asserted itself was on the supplemental appropriations bill. That was the bill which the President needed to continue funding the war in Iraq. We were out of money. It took $100 billion, approximately, to move forward. That was the point where, as the majority leader said, he wanted a majority of 51-vote majority to express the will of the Congress, it could have been done.

The Democratic leadership in the Congress backed down. I thought they did so appropriately in a contest with the President because the safety of the troops was involved. But that was the time to take a stand if the majority leader wanted to have a vote of 51.

When he takes down the Department of Defense authorization bill, it is not his bill alone, it is not just the Levin-Reed amendment, there are a lot of other provisions in that bill.

Senator LEAHY and I had an important amendment on habeas corpus which is relevant to the operation of the Department of Defense and Guantanamo, and the detention of many men who have been denied rights established in 1215 under the Magna Carta, and this body unadvisedly, erroneously legislated to take away that habeas right.

I continue to think it would be corrected in the courts, but that is another matter too lengthy to go into now. But Senator LEAHY and I had that amendment pending. Senator KERRY and I and others have an amendment pending on signing statements, where the President has disregarded the legislation passed by the Congress to cherry-pick and add limitations in so-called signing statements.

There was also an amendment which this Senator had proposed to bring up for a vote on rendition. So there was a great deal more to be done on this bill than Iraq alone.

But with respect to Iraq, there were other amendments which ought to be considered, and which should have been considered, without the majority leader taking the bill down. We could have debated the Levin-Reed amendment in a few hours and we could have debated the Warner-Lugar amendment in a few hours and we could have debated the Salazar-Alexander amendment in a few hours and we could have done it during the daytime yesterday, instead of having quorum calls consume the time of the Senate when nothing is done here, until the majority leader decides to exercise his power to keep the Senate in all night on a meaningless, insulting session.

But there are important matters to be debated on what Senator WARNER and Senator LUGAR have proposed. They have suggested, and they filed an amendment, directing the President to prepare a plan by October 16, a plan which would contemplate withdrawal starting December 31. But it did not tell the President he had to do it, and there is a serious constitutional question with the President's authority as Commander in Chief. Certainly, Congress cannot micromanage the war. The question about putting limitations on Presidential authority is a tough issue, but it would be well to have the President plan for a contingency.

We know the planning has been insufficient, no planning as to what would happen after Saddam Hussein fell. So when Senator WARNER and Senator LUGAR wanted to put that forward, we should have debated it. When it calls for consideration of withdrawal on December 31, we should have debated it. When they call in that amendment for another resolution defining the scope of the President's authority on the war, we should have debated it.

Senator SALAZAR and Senator ALEXANDER had an amendment which would incorporate the findings of the Iraq Study Group. I was seriously considering, still am considering, cosponsoring those amendments. I think had we known Saddam Hussein did not have weapons of mass destruction, we would not have gone into Iraq. But once in Iraq, we do not want to leave it in an unstable situation and in turmoil. We have had very forceful statements from very prominent Republican supporters of the President that if there is not real progress, significant progress by September, the funding will not be continued. I have said that if we do not have the metaphor of ''a light at the end of a tunnel'' by September, that funding is in serious question. But those are not matters which we are going to decide in July; those are matters which we will decide in September.

After we have the report by General Petraeus and after we have the President's report, we will make a judgment as to what we will do in September. That was the import of the appropriations bill which we passed 2 months ago, funding through September 30. The issue of funding for the next fiscal year is one which this Congress will have to decide when the issue is ripe. I am uncertain as to what my vote will be. But I do believe that if there is not a light at the end of the tunnel, that it is a very questionable matter to proceed indefinitely because of the failure of the Iraqis to live up to their commitments to end sectarian violence, to deal with the legislative proposals in their Parliament on oil revenues and many other matters.

But I hope we will see a reevaluation of what is going to be done in the Senate.

This body is very different than it was when I was elected in 1980, very different from what it was when Senator BYRD was elected in 1958 and Senator BIDEN was elected in 1972. With Senator BYRD and Senator BIDEN, there is real comity, and so with Senator LEAHY and myself on Judiciary and Senator HARKIN and myself on the appropriations subcommittee. But that is the exception, regrettably, rather than the rule around here. When a Senator seeks to speak, he ought to be accorded some basic courtesy and comity on what is custom and what is practice.

I had a short talk with Senator LOTT after the majority leader interrupted me, and Senator LOTT said the majority leader did the same thing to him a couple of days ago. When Senator LOTT was majority leader, he didn't have that practice. Senator LOTT said the majority leader wanted to publicly apologize. Senator LOTT said: Not necessary. Public apologies don't mean much.

It doesn't mean much to make this speech to an empty Chamber, frankly. The time I should have been heard was when Senators were on the floor, when Senators were considering what the majority leader had done in taking down the bill. That is when it was right.

As I sat here waiting for time to speak and consulting with the managers of the bill to get their consent, the majority leader came over and said: I will see to it that you get recognized first. I said: No, thanks, I will get myself recognized. There is a time when no one else is around and on a jump ball a Senator can get recognized.

Those practices, I think, are not only rude but dictatorial—dictatorial to flout the custom and the practice of this body and to go back to technical rules. If those technical rules are applied, and any one of us can do it, this body will cease to function.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Madam President, I yield myself 15 minutes. I consulted with Senator KENNEDY. I ask that my time be counted under reconciliation.

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

IRAQ

Mr. BIDEN. Madam President, I share the frustration of my friend from Pennsylvania. I remember when my colleague, Senator BYRD, whom I still call the leader, was leader when I got here after Senator Mansfield. How things have changed in many ways.

One of the things that has changed is what we saw take place today. Here the single most critical issue facing the United States of America today—the

carnage that is taking place in Iraq, the fact that our blood and treasure is being spilled with no apparent end in sight—and the notion that we would have to resort to a filibuster to stop a vote when a clear majority of Senators who believe there is an urgent need to change course in Iraq is not only dismaying but the consequence of it, I believe, is to kick the can down the road another 2 to 3 months and, in the meantime, many Americans are going to be injured and killed, which I believe can be avoided.

Ever since the Democrats took back the Congress, we have been working to build pressure on the administration and, quite frankly, a number of our Republican colleagues to change course in Iraq because I don't believe there are a dozen Republican Senators who agree with the President's present position. I don't believe there are a dozen Republican Senators who believe the results are going to be fundamentally different on September 5 than they are today, although I respect the fact that they concluded they want to wait to give the President every opportunity to demonstrate his plan can work.

Here is the problem, with all due respect. The problem is we are faced with two false choices in the Congress. One is put forward by the administration and sustained by a minority of votes that says we should continue to do what we are doing and essentially hand off the problem to the next President. I don't know anybody who believes that through escalating this conflict, adding American forces, there is any reasonable prospect that would bring about the only thing that will end this war, and that is a political settlement among the Iraqis.

Then there are a number of Democrats who have a view, out of frustration, that we must begin to get out of there, get out and hope for the best. Their premise is: Look, there isn't any reasonable prospect of us being able to do this militarily, and the hope is that somehow if we get out, the Iraqis, the Kurds, the Sunnis, and the Shias will have a bit of an epiphany, as we Catholics say, that they will get together and say: Oh, my goodness, America is leaving and we better get together and settle our differences or things are going to completely implode.

The fundamental flaw in all of that thinking, in my humble opinion—I know I am like a broken record, I have been saying it for over 3 years and I laid out a concrete plan over a year ago—the fundamental flaw is there is no possibility in the lifetime of any Member of this Senate for there to be a coherent central government in Baghdad that has the ability to gain the faith and trust of the people of Iraq and the ability to govern that country. It will not happen. Mark my words. There is no possibility of that happening. Never, to my research, have I ever found there has been a situation where there has been a self-sustaining cycle of sectarian violence, a self-sustaining civil war, which is exactly what we have now in Iraq, that it has ever ended in any other than one of four ways: a major power goes in and occupies the country for a generation or more, not an option available for us, nor is it in our DNA to do that. We are not the British Empire; we are not the Ottoman Empire; we are not the Persian Empire; nor do we want to be.

The second option is: Install a dictator. Wouldn't that be the ultimate irony for the United States of America to install a dictator?

The third option: Pick a side. Wage in on one side of the sectarian violence, wipe out the other side. That is not a good option. A, it would be immoral; B, it would take a couple years and; C, it would ignite a Sunni-Shia revolution from the Mediterranean to the Himalayas.

There is a fourth way it can end, and that is establish a federal system within the country separating the parties, giving them control of the fabric of their daily lives, their own security forces in their own neighborhoods, their own laws relating to religion, education, marriage, divorce, property, jobs, a federal system.

Coincidentally, that is exactly what the Iraqi Constitution calls for in article I. It says: We are a decentralized federal system.

Absent a political settlement, there is no way—I will make the prediction I shouldn't make because I have been around here long enough to know that everything you say on this floor you are reminded of if you turn out to be wrong. If you are right, you are never reminded of it. If you turn out to be wrong, you are reminded of it whether it is 6 months, 12 months or 12 years later.

I honestly believe, absent a radical change in course resulting in a federal system existing in Iraq, the only option the next President of the United States is going to have is going to be a reenactment of the scene in Saigon, with helicopters lifting people off the roofs of the embassy in the green zone. That is how it is going to end, in disaster.

Not only do I not want my son who is a captain in the U.S. National Guard going to Iraq, I don't want my grandson going or my granddaughter. How we leave Iraq, what shape we leave it in, what prospect for a political settlement exists will determine whether my grandson goes back 15 years from now.

All we did today was take what was originally called the Biden-Hagel, et cetera, resolution that we introduced in January, then the Biden-Levin resolution, then the Levin-Reed-Biden, et al, now the Levin-Reed amendment. They all do the same thing. There is not a dime's worth of difference.

What they all said was this: Mr. President, the first thing you do when you are in a hole is stop digging; stop digging us deeper into this disaster. Cease and desist from placing our troops in the midst of a civil war. We are in the midst of a civil war. The ''success'' we are having in Anbar Province, what is it doing? It is making the Shia conclude we are arming and engaging with the Sunnis and the former Baathists, making it harder for us to get the Shia to agree to action on the oil law, which would be the thing to get the Sunnis to buy into a united Iraq.

We are in the midst of a civil war, and the whole thesis of the idea we came forward with as early as January and we voted on again today is to say: Get out of that civil war. Use American forces for only three express purposes: One, train the Iraqi Army; two, deny al-Qaida occupation of large swaths of territory, particularly in Anbar Province; and three, protect our diplomats there.

I say to my colleagues in the Senate, last week we heard President Bush give a progress report on Iraq. It reminded me of a guy who jumps off a 100-story building and as he passes the 50th floor, somebody yells out: How's it going? And he yells back: So far so good. That is the summary of the President's report, except it is not even going well so far and the outcome is absolutely certain: continued disaster.

Also, last week, Bob Woodward revealed that back in November, CIA Director Michael Hayden made the very point I have been making for 2 years in a private meeting with the Iraqi Study Group. He said:

> The inability of the central Government to govern is irreversible.

There is ''no milestone or checkpoint where we can turn this thing around.'' The CIA then went on to say:

> We have spent a lot of energy and treasure creating a government . . . that cannot function.

What more do we need? I ask my colleagues, what more do you need? Our own intelligence community has been saying since last November that the inability of the central government to govern is irreversible—irreversible.

Nothing has happened since General Hayden made his remarks to change that assessment. The time now is to stop digging that hole, redeploy our forces, save American lives, and begin to push a political settlement.

I conclude by saying that yesterday's release of the unclassified key judgments of the National Intelligence Estimate on ''The Terrorist Threat to the U.S. Homeland'' highlights the urgency of changing our course in Iraq. The so-called NIE is a devastating indictment of the administration's failure to accomplish its most important mission—destroying al-Qaida and the threat it poses.

It confirms what was reported last week, that the al-Qaida we failed to finish off in Afghanistan and Pakistan, because we went into Iraq, has ''regenerated,'' and it remains intent on attacking us at home. That should put to rest once and for all this administration's false refrain that we are fighting over there so we don't have to fight

them over here. That is rubbish. Our own intelligence, the NIE—that is all the intelligence agencies in the U.S. Government—have come to a consensus position.

It spotlights the danger posed by al-Qaida in Iraq, a group independent but now affiliated with al-Qaida of bin Laden. Al-Qaida in Iraq is a Bush-fulfilling prophecy. I will say it again. Al-Qaida in Iraq is a Bush-fulfilling prophecy. It did not exist in Iraq prior to our invasion. But the failed policies, failure to deal with an administrative policy, a political solution, what it does now is to help al-Qaida energize extremists around the world, raise money for new recruits, and become stronger. All the more reason we must act now to refocus our energy and resources on al-Qaida and start to get our troops out of Iraq's civil war, while limiting the mission of those who remain to denying al-Qaida in Iraq a safe haven.

Finally, I say to my colleagues, regardless of one's view on the war and how to end it, there is one commitment each and every one of us should make. That commitment is so long as there is a single—a single—American troop in Iraq—a single American troop in Iraq—that we should do all that is needed to give them the best possible protection this country can provide, and the way to start with that is to replace the humvees with these mine-resistant vehicles that in our last supplemental I was able to convince our colleagues to add 1.7 billion more dollars to build them. These vehicles have a V-shaped hull and they can reduce casualties from roadside bombs up to 80 percent. Right now, 70 percent of all the casualties taking place in Iraq is because of roadside bombs.

I will offer an amendment to the Defense bill when we get to it to make clear, with absolutely no ambiguity, that Congress will provide every single dollar needed and every authority necessary to build these vehicles as quickly as possible because our kids are dying, and it can radically reduce the number of casualties.

I conclude by saying our Republican colleagues say—all of whom I respect, but the one I particularly respect is Senator LUGAR—that they expect the President to voluntarily change course.

I have absolutely no faith, none whatsoever, in this President to voluntarily do what should be done. The only way it is going to happen is when our Republican friends stop voting with the President and start voting to end this war by supporting our troops.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I yield myself 5 minutes.

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

Mrs. MCCASKILL. Mr. President, there has been a lot of talk about what has gone on in the Chamber in the last 24 hours and of name calling. I am proud to have worked extra hard the last 24 hours. It seems to me the symbolism of working extra hard and losing some sleep is an important symbolism.

Yes, yes, we all know we didn't have the votes to overturn the stubborn denial of this President as to the failure of his policy, but we showed the American people we are willing to work harder and try harder and stand up to the face of power for the right strategy to secure our Nation from terrorists and to support our military.

I am following to this microphone decades of experience in the Senate. I sat this morning and listened—and this afternoon—to Senator BYRD, Senator SPECTER, and Senator BIDEN. I was reflecting on the years of experience they represent in the Senate. I don't have those years of experience. I have mere months. But I am confused with the insistence of 60 votes on anything of substance we are facing in the Senate. I am confused at attempts to block ethics reform; to block taking Federal tax dollars away from big oil. I am confused at the effort to block reimportation of prescription drugs and to block negotiation for lower drug prices in Medicare Part D. I am confused about delays and stalling tactics to embrace the 9/11 recommendations on homeland security.

The majority should rule, and I am hopeful what we did over the last 24 hours will have an impact on the way we work together to move forward on the problems that face America.

I also wish to briefly say that over the last 24 hours I have felt history, as I have reflected on other all-night filibusters throughout the history of this great body. I pinch myself when I open my drawer and I see the name of Harry Truman. When I sit at my desk and glance down and I see his name scrawled in the drawer of my desk on the Senate floor, it is amazing to me that I have the opportunity to sit in his Senate seat and to advocate for accountability in this war effort.

Senator WEBB and I had worked on an amendment we were going to offer to the Defense authorization bill that I think Senator Truman would be proud of, because he got in his vehicle and drove miles and miles across this country during World War II, in a Democratic administration—as a Democratic freshman Senator under a Democratic President in a time of war—and he said we have to do better about how we are spending taxpayer money. We cannot allow war profiteers to tarnish the image of the men and women who are fighting for us in World War II. That was his view, and so the Truman Committee was born. Out of that committee, billions of dollars were saved, and America felt better about our ability to clean up our act, to oversee the efforts of our military in a way that is fiscally responsible and honors the service of our military.

Senator WEBB and I, along with the other seven freshmen Democrats in the Senate, have fashioned a new, independent commission on war contracting, and we will now introduce this amendment as a stand-alone bill. I implore my colleagues on the Republican side of the aisle to not play partisan games with this effort. This is an independent commission, fashioned in many ways not only after the Truman Committee but after the 9/11 Commission. It will look at war contracting in a thorough way.

Let us be honest. We are not going to turn back from contracting in a time of war. We will continue to contract. People need to understand now that we have more contractors on the ground in Iraq than we have military, with 180,000 contractors. I have had the opportunity over the last 6 months to see firsthand how we have failed in the stewardship of public money, with billions of dollars wasted, billions of dollars in unfair profits to private companies because we have not written the contracts well, we have not overseen the contracts, and we have not held them accountable.

This commission will allow us to take a thorough look at war contracting, and it will also expand the authority of the Special Inspector General on Gulf Reconstruction so we can look at not only reconstruction contracts but those support contracts for our troops. It is important we get this done because we can't go back, but we must go forward and make sure that in the spirit of Harry Truman, we never allow war profiteering to affect our ability to stand strong, as the strongest and most powerful Nation on the planet.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). Who yields time?

The Senator from Massachusetts.

AMENDMENT NO. 2327

Mr. KENNEDY. Mr. President, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2327.

Mr. KENNEDY. Mr. President, I ask that further reading of the amendment be suspended.

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

(The amendment is printed in today's RECORD under ''Text of amendments.'')

Mr. KENNEDY. Mr. President, this legislation now before the Senate was passed out of our committee 17 to 3. It has strong bipartisan support. At the outset of this extremely important education measure, I wish to say I am enormously appreciative and grateful to my colleague and friend, the Senator from Wyoming, for his leadership and enormously grateful to all the members of our committee for their participation and involvement, and the staff of our committee has done an extraordinary job.

The work started on this legislation many, many, many months ago. We understood the need for this legislation,

as we understood the need to work on the reauthorization of the Higher Education Act. The reauthorization legislation is not in this particular package, although I am strongly in support of it, as my colleague, Senator ENZI, is. We understand that, under the procedural rules, if we were to add that legislation onto this particular provision, there would be serious issues and questions whether the reconciliation provisions would continue to lie, and that might put the totality of our education legislation effort in some jeopardy. But I wish to, at the outset of this debate, give assurances to all our colleagues, Democrats and Republicans alike, that Senator ENZI and I are one in terms of the desire for the Senate to pass the reauthorization legislation.

Somewhat later in this discussion, I will go through in some detail the provisions of that reauthorization legislation. We wish to focus on what I think is the heart and soul of the higher education debate and that is, for the first time since the GI bill, we are providing very significant assistance to needy students in this country; and, secondly, we are providing assistance to the middle class in relieving them of a good deal of the pressure they have in paying off student loans in the future.

So this is where we are, as far as the higher education bill. We are going to continue to work with Senator ENZI and the other members of the committee to try to find a satisfactory follow-on procedure for the reauthorization of the higher education bill. It has a number, as I mentioned, of very important provisions, and we will try to make a recommendation to the full Senate either later today or tomorrow but certainly before we conclude this legislation.

Education, I think as all of us understand, is the key to the hopes and dreams of American families and to the young people of this country. It has been that way since the founding of the Republic. I come from the State—which I am proud to represent, Massachusetts—that had in its constitution in 1780—John Adams was the author of the Massachusetts Constitution, the first constitution of all of the original States—it spelled out in very careful detail the responsibility of the public to support education. At this time, they were talking about the general education of the citizenry. Each and every other State that wrote its constitution took literally from those particular provisions of the Massachusetts references to education. Every single State constitution has different provisions, but all of them include important provisions for education.

Americans understand this is the key to our future. It is the key to, first of all, our ability to have our democratic institutions function and work well, to guarantee the rights and the liberties of the Constitution of the United States. Secondly, it is key to our economy so that we are going to be strong economically in the United States, with an economy that is going to provide the opportunity for progress for all the people of this country. Thirdly, it is essential, in terms of our national security, to make sure we have an informed citizenry who is able to move ahead and take advantage of the extraordinary technology that is available in terms of our military, so we make sure that we have the best trained, the best equipped, and the latest in technology guaranteed to those men and women who are going to fight for the United States.

So education is the key. It is the key to all the important progress this Nation is going to make in the future. We take a good deal of pride in the fact that we are going to provide help and relief to millions and millions of Americans who have been increasingly pressured by the extraordinary explosion of the cost of tuition for the young people of this country.

As we look back again at history, to the development of the public school system, we note that Horace Mann, the great educator, believed in the public school system. We look at the efforts that were made during the American Civil War, the Morrill Act. Even in the height of the Civil War, Abraham Lincoln signed the Morrill Act, establishing the land grant colleges, which made such a difference to States all across this Nation.

We remember the extraordinary steps that President Roosevelt took in the GI bill after World War II. We had some 15, 16 million Americans who were under arms at the end of World War II in 1940, with an average age of 26 years old—26 years old in 1940—with 1 year of high school education. So many of these individuals went off to war and served for 3, 4, 5 years in the military and then came back. President Roosevelt saw the importance of developing the GI bill, and that made such a difference. Many believe it was the piece—the piece—of legislation that made possible the development of the middle class in this country.

If you take what the United States spent in the 6 years after the GI bill was enacted, it would come to approximately a third of the Federal budget in 1951. That is the kind of priority Americans put on education at that time, and that has been a priority that has been certainly missing for a long period of time. It does seem to me we are restating and reaffirming a strong commitment to higher education in this legislation.

Another important event in terms of increasing the support for higher education came in the late 1950s—1957, to be specific. At the time of the launch of the Sputnik, there were concerns the Soviet Union was getting ahead, and so we had the National Defense Education Act, which provided assistance in the areas of math and science. For many of those leading our research agencies and independent agencies in the Federal Government, it made such a difference for those graduates in that National Defense Education Act.

Then in 1960, we had a national debate in this country, at that time between my brother, then-Senator Kennedy and Vice President Nixon, about higher education. Where were we going? This was the issue that was put forward to the American people. What are we going to say to the young people of this country if they wish to gain admission to any school or college in this country—any school or college—on the basis of their ability, their willingness to work hard? We in the Federal Government were going to provide enough assistance to those individuals so they would be able to gain entrance to that school or college. It could be grants, it could be loans, it could be work-study programs, it could be the requirement that they are going to have to work in the summer, gain some contribution from their family, but nonetheless it was going to be a range of different opportunities that were going to be put together to permit those individuals who came from needy families, who had ability and dedication and commitment, to gain entrance to schools and colleges anyplace in this country. We were going to make that a commitment. In 1960, that was a principal issue during the course of the campaign, and we saw the passage of the Higher Education Act in the early 1960s.

A great debate at that time was whether we were going to provide assistance to the student or assistance to the university, and the decision was made it would be to the student. That is basically the origin of the Pell grant. Since that time, we have seen a number of different opportunities for individuals to move ahead and gain assistance.

What we have seen is the challenge that is out there today. I am going to take a few minutes to point out the challenges that exist today for so many of those who are going on to college. If we look back at 1986–87, you see the average tuition fees, room and board, for a 4-year private college, which was $9,800. Now, it is $30,000. If we are talking about the average tuition for four-year public colleges, it increased $4,000 to $12,000 in that same period, virtually a 300-percent increase in the last 20 years. This has put an enormous stress on students.

Each year, nearly half of all college-ready students, from families with incomes under $50,000, can't go to a 4-year college because of cost. Let me repeat that again: Nearly half of all college-ready students in families with incomes under $50,000 can't go to a 4-year college because of the cost. Each year, we have some 400,000 talented, college-qualified students, who cannot go on to higher education because they can't afford to do so.

We know what happens in colleges and universities now, with students taking longer and longer to complete their degrees. They have to work harder and longer, both in the summertime or taking semesters off, so they can

gain greater resources to be able to complete their school and earn their degree.

Look at this. Going back to 1985–86 and what the costs were at that time, and now look what the assistance, the maximum Pell grant, is as a share of tuition fees and room and board from 1985–86 to 2005–06, and you see it has gone from 55 percent for a public 4-year institution down to 33 percent; 24 percent in 1985–86 to 14 percent for a private 4-year institution. What this is basically saying is the neediest students, those with ability, those with skills, are finding out the assistance they need has been gradually withdrawn; that the kind of assistance for them has been significantly reduced, which has put more and more pressure on the middle class and working families.

Because of these increasing costs and stagnant grant aid, more students now have to take out loans to finance their education. If you look at 1993, less than half of all graduates had to take out loans. But in 2004, nearly two-thirds had to take out loans to finance their education. This is extraordinary. In 1993, not all that long ago—not all that long ago, over half of students did not have to take out loans in order to go to school. Now, two-thirds have to do so.

What has been the result? This is the result. The young people who are graduating from the universities in our country are now increasingly heavier and heavier in debt. In 1993, $9,250; in 2004, 10 years later, $19,000. This is the average debt. This doesn't even begin to include what it costs to go to graduate school or medical school. Then you are going into the hundreds of thousands of dollars. Young people who would like to go into general practice, into higher degrees of specialties, they are going to have to pay off a large debt. So it has all kinds of implications for a graduate's career choices and life choices.

Anyone who goes to a school or a university or a college and who stays around during the course of a lunchtime, you will find out that students are talking not about their books or classes or their teachers, they are talking about their debt. They are talking about their debt. This has been the dramatic shift and the change. As a result of this, we see this is having an effect upon the quality of life for the young people in this country.

What have we tried to do and what have we done with this legislation? We know what the challenge is. We will have an opportunity to get into greater detail on that during the course of the debate. But what have we attempted to do, and what have we done in this legislation? What does this legislation provide?

First of all, it provides a historic increase in need-based grant aid, $17 billion increase in need-based grant aid. That is the largest increase since the GI bill.

What else does it do? Better payment options that cap a borrower's monthly payment at 15 percent of their monthly discretionary income. What does that mean? For any family in America, when their child graduates he or she will never pay more than 15 percent of their monthly income as they go on through their life. We know now that many individuals pay a good deal more than that, and it presents an extraordinary burden on them. We are saying to these young people and their families: You will never pay more than 15 percent of your monthly income.

We are providing loan forgiveness for borrowers who work in public service jobs. What we are saying is any young person who works in a public service job—you work as a teacher, you work as a childcare provider, you work as a special education teacher or assistant working with students with disabilities, if you work with the fire department, if you work with the police department—you will repay your debt at 15 percent of your salary for a period of 10 years, and then your debt is forgiven—released—forgiven, effectively. It makes a major difference in terms of young people's career choices, where they might go. I will come back to this because this point is enormously important.

We provide protection for working students by not penalizing their earnings. We've found that as students earn slightly more while attending college, suddenly their eligibility for financial assistance is changed and they fall further in debt to pay for their education. We have addressed that issue and addressed the longer loan deferment periods for borrowers in economic hardship. And we provide that benefit at no cost to the taxpayer by reforming the student loan industry so it works for students, not banks. This provision does not cost the taxpayers; it saves the taxpayers because we are taking the money from the banks and providing it for the students themselves. We will come back to demonstrate that the banks are going to do just fine later in this discussion.

I want to show what we do in terms of the Pell Grant Program. Over five million young Americans participate in the Pell Grant Program. As you see in this chart, it has been effectively stuck at $4,000 or close to that in 2002, 2004, 2006, all during this recent period of time. Then, when our party, the Democrats, took over, we were able to bump that up to $4,310. And then under this proposal it will increase to $5,400 in 2011. We are trying to grow the program. It is costly but worth it. It makes a life-and-death difference to young people who need this program.

Let me return to a point I was making a minute ago. If an individual worked in the public sector, this bill provides loan forgiveness. Graduates who work for 10 years in emergency management, public education, public health in a social service agency, public services for individuals with disabilities and the elderly, public service legal services programs, including prosecution or public defense, public school library sciences and other school-based service providers and teaching full-time at a tribal college or university—we are trying to say to young people graduating from college, yes, you will have debt, but we are saying you will never have to pay more than 15 percent of your monthly income, and if you go into this occupation long term it is effectively forgiven.

How does it work? Let's take a starting teacher in Massachusetts. We have a book that is available for our colleagues that does the same kind of run-through for all 50 States. Say the annual salary is $35,000, they have a loan debt of $18,000, monthly payments today of $209, monthly payments under IBR would be $148, and monthly loan payment relief of $61. The student loan payment relief under the income-based repayment plan is $732 a year, and the amount forgiven under the new Public Service Loan Forgiveness Program will be $10,000 of their debt if they are a public school teacher in Massachusetts. That is just one example. You can make that applicable in any of the other areas. Those are the principal provisions that are included in this legislation.

This is an important piece of legislation. It will make an important and significant difference to affordability of and accessibility to college, to needy children, to the students in this country. We welcome the very strong support we have had from the student associations and all the student groups. It will make a major difference for working families in terms of providing some additional kinds of relief.

We have done this in a bipartisan way. We think this will make a major difference, and I am enormously grateful to my friend and colleague from Wyoming for all of his help. I will come back later.

Mr. President, I ask unanimous consent that quorum calls during the consideration of the bill be charged equally to both sides.

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

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield myself such time as I need. I want to begin by thanking the chairman of the committee for the consideration he has given to all of the amendments that went into the bill, and also further work from the time that we passed it out of committee to resolve any misunderstandings or any questions. It has been a tremendously cooperative effort and one that I think will lead to a very good bill when we finish with reconciliation.

That is not all we need to do for higher education, and I will be emphasizing that throughout the speech, but I am very much appreciative of the leadership and the bipartisanship that has been shown by the chairman and members of the other side of the aisle

who serve on the committee. Both sides of the aisle are interested in making sure that we can make a college education as affordable as possible with as much help from the Federal Government as is possible.

Of course, I would note that every time we make a little adjustment at the Federal level, the colleges go ahead and make just as big an adjustment in their tuition, which is one of the ways we get to some of the figures that are on that chart. But I do want to speak on this very important bill which is the substitute to H.R. 2669.

For millions of Americans, access to affordable college education is the key to their success in the 21st century. We now have a global economy, and to participate in that global economy a person has to have more than a high school diploma. Without some additional education following high school, these Americans will not have the qualifications for over 90 percent of the new jobs that will be created in the next 10 years.

I want to repeat that. Without additional education following high school, these young Americans will not have the qualifications for over 90 percent of the new jobs being created over just the next 10 years.

This bill, as did the reconciliation bill we considered in the 109th Congress, aimed at reducing the subsidies to lenders and providing greater benefits to students. In the 109th Congress, approximately $20 billion in changes were made to the Federal Family Education Loan, the FFEL Program, by reducing subsidies to lenders and providing $13 billion in benefits to students. The bill before us reduces subsidies to lenders by another $18.5 billion and provides $17.6 billion to student benefits. The result is that within the span of 3 years we will have made close to $40 billion in changes to the Federal student loan programs.

Getting to this point has not been accomplished without difficulty. Again, I thank the chairman of the HELP Committee, Senator KENNEDY, for his commitment to make the process as bipartisan as possible.

This is the second time in as many Congresses we have been on the brink of systemic reform of Federal higher education programs. I do not want to squander yet another opportunity to make these programs more efficient, as well as more effective. We are only seeing, at most, half the picture by debating this bill separately from the larger higher education reauthorization package.

We have a chart back here that shows that any way you slice it, higher education is left undone if all we do is the reconciliation bill. What is left out?

FAFSA simplification: That is the form that students have to fill out in order to get Federal loans. It has been an extremely complicated form. We have made that considerably simpler.

Sunshine/loan disclosure, the year-round Pell grants so that students don't just have to go to school through two semesters, but have access to summer semesters. This is important to students who are in vocational programs, and allows them to get into the workforce more quickly after high school.

Support for nontraditional students: We had some requirements before that discriminated against the nontraditional students, the ones who are not just graduating from high school.

Graduate and international education, financial literacy and better borrower information and better privacy protections are all in the big yellow circle of reauthorization. It also provides improvements for the American competitiveness grants and the SMART grants. Those deal with encouraging kids to go into science, math, engineering, technology, and foreign languages. There is additional money that is available if they do that; some for their freshman and sophomore years in college, much more for math and science in the junior and senior years. The reauthorization bill includes a College cost ''watch list'' and many more provisions.

A big piece of the pie is this other part we still need to do. Our challenge is not only to improve access to higher education but to ensure that the quality of our system of higher education is not compromised. We need to consider both pieces of legislation because America's students must have all the tools they need to complete higher education and to acquire the necessary skills and knowledge for the 21st century. We want them to be competitive.

The American system of higher education is renowned throughout the world. I can highly attest to that after having gone to India, seen how their educational system works and how it is becoming very competitive with the United States, and seeing what we need to do to ''stay ahead.''

Of course, they like to send their graduate students to the United States for an education because they learn creativity and flexibility. In most of the other countries around the world they learn the basics, can do excellent calculations and have a vast amount of knowledge. But what our colleges specialize in is teaching kids to think, to come up with new ideas. That is what has kept America ahead.

Our more than 6,000 colleges and universities enroll over 14 million students and provide access to all types of academic and technical skill-building programs.

In Wyoming we only have a handful of the total of these 6,000 colleges and 14 million students. In fact, we only have one 4-year university, and we have seven community colleges. Our grand total of 10 accredited institutions of higher education in the State is the smallest of any State but Alaska.

But I do have to digress just a little bit, after we talked about how much students had in loans, and mention that students are worried about tuition, they should take a look at the University of Wyoming. The out-of-State tuition is less than most in-state tuition in other States.

I would also be remiss if I didn't mention the Western Governors University. This last weekend I got to attend their graduation and it is a unique university. It is largely for nontraditional students, and its program is done completely online. There are no classrooms to go to. The average age of their students is about 38. That was the average age of the graduates this last weekend. Their tuition is $5,600 per year—not per semester. You can take as many courses as you can pack into that year included in that amount.

At Western Governors you are assigned a mentor who is a part of the teaching staff. As soon as you get there, that person watches, counsels, and even follows you 1 year after you are out. So there are some bargains out there even for people who feel tied down where they may be now.

One of the persons who spoke at graduation was a woman who has seven kids and, because of Katrina had to move four times during her last year of education. She wanted people to know that if she can complete a degree with seven kids and that many moves, that anybody can get a degree in higher education. I will have more to say about the Western Governors University and their low tuition and their opportunity to complete their programs from anywhere in the world. We have a lot of military folks who are participating in that in different places in the world.

But the American success story of higher education is at risk of losing the qualities that made it great, which are competition, innovation, and access for all. That is a real key in the United States. I mentioned visiting India, where only 7 percent of their kids get to go on to higher education. That does create a very high level of competition to get in and probably produces more science, technology, engineering, math and medical people than we have. But our principle, our emphasis is on having innovation and access for all.

In this bill we are doing deficit reduction. Deficit reduction is a tool that should be taken seriously. While I am pleased that we have saved about $1 billion toward deficit reduction in this process, we have made some changes to the Higher Education Act that may prove to be problematic in the long run. This bill is not the perfect solution. Not everyone is satisfied with where we have ended up, but I do believe that with the traditional need-based grant aid we are making available to low-income students, we are moving in the right direction.

I recognize it is essential to find ways to ensure that students have access to the financial assistance they need to attend and complete college. The cost of college has risen dramatically. We saw the figures earlier. At

the same time, the need for a college education has never been greater.

It is our responsibility to ensure that the investment our students and families make in time and money is a good one and that they are confident that there will be the financial aid to assist continued access to college education.

We believe students benefit from competition in the student loan programs, both within the FFEL program and between the FFEL and Direct Loan Programs. It is important to support both programs to ensure that the needs of all students are well served.

I think many of us agree that if there is excess in the system we should eliminate it. The key question is how much excess there is and how to eliminate it. There are no perfect answers to those questions. This bill is one answer. Do we all agree? No. But we need to provide students and parents assurance that they are receiving sound, honest advice about their student loans in order to make informed decisions about their futures.

This bill continues to recognize the unique role that our not-for-profit lenders have in providing information to students and their families. They conduct outreach to make college possible and assist in debt management and default prevention.

Not-for-profits focus on communities and serve students locally. I am pleased we are able to continue to acknowledge the important contribution these entities make. We have reached a good balance in the reconciliation bill, reducing the subsidy to for-profit lenders by 50 basis points, reducing the subsidy to nonprofit lenders by 35 basis points, and reinvesting those savings in need-based grant aid to students.

Providing additional need-based grant aid is a critical component of increasing access and affordability. I am pleased this bill does this by providing additional grant funds to Pell-eligible students over and above the increased maximum Pell grant award that is included in the reauthorization bill. I wish to emphasize again, that this is in the reauthorization bill, so we cannot just do a part of this puzzle.

By increasing the income protection allowance, we have increased the ability of working students to receive Pell grants, which is critically important as the student population in our colleges becomes more nontraditional.

In addition, I think there needs to be in the future some way that we build in an incentive for students to do better in high school, in particular wiping out that wasted senior year. The incentive of Pell grants can be effective in moving students to college with higher levels of achievement.

Higher education is the on-ramp to success in the global economy. It is our responsibility to make sure everyone can access that on-ramp and reach their goals. The choice of whether to pursue a postsecondary education is no longer an option. College or some kind of nationally recognized skill certification is needed. We need to make sure individuals have all the tools to understand their choices and shape their future.

Let me again remind you, we do not have the whole pie before us today. We are only talking about the little red sliver there. That slice of the pie. We have to do the whole thing. We will be leaving behind students if we do not consider the entire scope of the Higher Education Act, rather than the narrowly focused slice contained in this bill, and those programs that reach students and help them to persist in attaining a college degree.

By not considering the entirety of the Higher Education Act, we are forsaking quality in the Federal student loan programs by only cutting their bottom line. We will not provide the disclosure and information students and their families need to make informed financial decisions that will have a significant future impact.

Finally, reauthorizing the Higher Education Act, the big part of the pie, is critical to the success of what is the reconciliation bill, as it contains the programs that serve as the foundation for student aid. I supported reporting both bills out of committee. I did so with the expectation that they would be considered together as a whole by the Senate.

I hope the Senate Democratic leadership will provide us with the opportunity to have an open and full debate on all aspects of the Higher Education Act immediately following reconciliation. Both pieces are essential. There is no reason we cannot debate them and finish them now. I know there is huge bipartisan desire to get both of them done. Since the other one is the bigger part of the pie, probably even more interest in getting the other one done. But they have to go together. One does not work without the other.

I will continue to work with Chairman KENNEDY and my colleagues on my side of the aisle to address this concern. I hope people will show up with amendments, if they have amendments, so we can get them debated. There is a 20-hour limit on debate. There is no limit on the vote-arama that can happen at the end. But it is not very satisfying to have a vote-arama with no discussion and just a quick vote on the proposals that are out there.

So I hope people will bring their proposals down. I hope there is a limited number of them so we can condense the amount of time we debate the reconciliation and get to the bigger part of the pie slice and get it wrapped up this week too.

Again, I thank the chairman for his leadership and bipartisanship in getting us here and his willingness to work all the parts of the pie so we can provide the quality of education and the access our students deserve.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak, first, in favor of the legislation Senator KENNEDY and Senator ENZI have brought to the Senate floor and also to speak in opposition to an amendment I understand is going to be offered to this bill at some point in the proceedings.

But let me begin by congratulating Senator KENNEDY and Senator ENZI for their good work. This is a very major step forward in providing the resources young people in this country, not just young people but all Americans, need in order to pursue postsecondary education.

It is a very major step forward. I am proud to be a supporter of this legislation and proud to be part of the committee that Senator KENNEDY and Senator ENZI chair and are the ranking member of.

We all know the costs of going to college have skyrocketed in recent years. We have seen a 35-percent jump in tuition, adjusted average tuition and fees, for instate students at public colleges and universities since the 2001–2002 school year.

This 35-percent increase represents the largest increase in any 5-year period since the Government has been keeping track of these figures. This year alone, the cost of going to college is 6.3 percent higher than it was last year, averaging $12,796, including room and board in our schools.

At the same time, we are seeing increased competition among colleges and universities for the highest scoring students. These students command high tuition discounts, particularly in the form of merit scholarships. As a result, there is a smaller proportion of financial aid budgets available for low-income students at colleges with rising tuitions.

Unfortunately, year after year, Congress has failed to raise the amount of Pell grant scholarships for needy students. Congress finally did increase Pell grants this year for the first time in many years. Ten years ago, the maximum Pell grant covered more than 50 percent of the cost of tuition and fees and room and board at a public 4-year college.

Last year, the maximum Pell grant covered only 35 percent of those costs. I have a chart I wish to show to make that point. This chart is entitled, ''The Gap Between Grant Aid and Cost of Attendance to Increase.''

You can see the cost of attendance at a 4-year public college is the red column, for each of those years starting with the 2001–2002 school year and ending with the 2006–2007 school year.

So the red column is the cost of attendance, and the white column is the maximum Pell grant. You can see it has been virtually stagnant during this same period. As the chart demonstrates, the gap between grant aid that is available to low-income students and what it costs to go to college has increased very substantially since 2001.

In the 2006–2007 school year, that is the school year that we just completed, the average student came up short by almost $9,000. I submit it is a disgrace for us nationally each year to allow hundreds of thousands of students who are prepared to attend 4-year colleges to fail to do so because of the inability to deal with the financial barriers they face. More and more students increasingly rely on loans to finance their education. We have seen a significant increase in the amount of student debt in this country.

Let me show another chart. ''Students Are Borrowing More,'' is the title of this chart. And then the subtitle is: ''From 1993 to 2004, the average amount of total student loan debt for 4-year college graduates has more than doubled.''

In 1993, you can see the figure in this column, $9,250, that is the average student debt at the end of a 4-year college. In 2004, the average debt for a student who finishes a 4-year college and graduates is over $19,000. This chart demonstrates, I think very clearly, we have students graduating with too much student loan debt.

In New Mexico, the average student now graduates from 4 years of college with more than $16,000 of debt. The good news is the underlying bill, that is, the Higher Education Access Act of 2007, will actually increase student aid by about $17.3 billion over the next 5 years.

Most importantly, this very significant increase does not add to our national debt. It is paid for by cutting excessive Federal subsidies to lenders who are participating in the student loan program.

I have one more chart I wish to use to make a point. This chart is called, ''The Senate Proposal Increases Grant Aid for Students.'' This chart demonstrates the bill substantially increases Pell grants to $5,100 this next year and to $5,400 by 2011.

Under the proposal, the maximum Pell grant would increase by $790 next year alone. In addition, the bill will simplify the financial aid process for low-income students by increasing the income level at which a student is automatically eligible for the maximum Pell grant. Also, it will protect working students, increasing the amount of student income that is sheltered from the financial aid process.

This new student aid package could mean as much as $177 million in new grant aid for students in my State of New Mexico alone over the next 5 years. This increase would mean almost $41 million for students attending the University of New Mexico during this next 5-year period; almost $44 million for students attending New Mexico State University; $15 million for students attending Eastern New Mexico University; more than $6 million for students attending Western New Mexico University; and more than $5 million for students attending New Mexico Highlands University.

The bill also would cap Federal student loan payments at 15 percent of a borrower's discretionary income. This would bring needed relief to students who do have excessive debt. In addition, the bill advances a critical policy objective, that is, to incentivize students to pursue careers in public service.

The bill would forgive the debt of borrowers who work in public service careers, careers such as nursing and teaching and law enforcement, for a 10-year period. So the package is vital to the students in my State of New Mexico, to their families, and to our economy.

Unfortunately, the amendment that I understand is going to be proposed to this bill is an amendment that Senators NELSON of Nebraska and BURR of North Carolina will offer. This amendment would strip $3 billion from the student aid package and put these critical Federal dollars into the wallet of the large for-profit lenders.

Let me state for the record I strongly support the Federal Family Education Loan Program. This is also known as the FFEL Program.

Most Senators understand this program is essential to helping so many students and their families gain access to college. Frankly, you don't know how many of New Mexico's students would be able to gain access to college without this program.

The underlying bill, however, recognizes, as did the President in his fiscal year 2008 budget, that FFEL lenders are very heavily subsidized by the American taxpayer. Currently, these lenders are guaranteed a specified interest rate by law regardless of what the student borrower pays.

This rate is 2.34 percent higher than commercial paper. The President proposed to reduce the subsidy by one-half of a percent, by 50 basis points. Similarly, the underlying bill reduces the subsidy by half of a percent for most of these lenders.

The main discrepancy, however, is the underlying bill recognizes the critical role many of our State and private nonprofit lenders play in administering the FFEL Program, and it imposes a smaller reduction on them. I believe this is a fair and an equitable approach.

In my State, we have such a program. New Mexico Student Loans is a private, nonprofit corporation. It was created by the New Mexico State Legislature in 1981, to provide loans and educational programs and systems to New Mexico students and families, ensuring the broadest possible access to higher education for citizens of our State.

Nonprofit lenders, such as New Mexico Student Loans, are limited by law in how they can use their revenues. If they earn more than the funds have cost them, they either have to use that revenue to reduce the cost of loans to students or send that funding back to the U.S. Treasury. The savings realized by nonprofits are returned to the students through zero-fee loans, through reduced interest rates, through principal forgiveness, for ontime payments, and specialized reduced interest rates and loan forgiveness programs for teachers and nurses and doctors.

In New Mexico alone, $8.6 million was returned to the borrowers through borrower benefits and loan forgiveness in 2006. For-profit lenders, on the other hand, returned these earnings not to the students, not to the borrowers but instead to their own shareholders. For example, New Mexico Student Loans charges 0 percent interest for teachers if they stay and teach in New Mexico; it charges 0 percent interest for nurses and doctors who practice in our State.

These programs are necessary to fill critical workforce shortages in my State. Unfortunately, the Nelson-Burr amendment would eliminate the distinction between the nonprofit lenders and the for-profit lenders, many of them very large organizations such as Sallie Mae, Nelnet, Bank of America, Wachovia, and JPMorgan Chase.

It would eliminate that distinction between the nonprofits and the for-profits by lowering the subsidy cut for the for-profit lenders to the same rate we are providing for nonprofits.

The proponents of the amendments argue this amendment is about increasing student choice and protecting the student loan program. I respectfully disagree with that argument. To the contrary, the amendment would do nothing to increase student choice; rather it would provide a significantly greater competitive advantage to big banks and lenders, thereby forcing smaller lenders out of business.

Unfortunately, this amendment which is anticipated will be offered, the Nelson-Burr amendment, would literally strip $3 billion from the funds available for low-income students and significantly hinder the ability of many nonprofit lenders to provide critical student services and benefits.

I am afraid the amendment is nothing more than an attempt to protect the huge profits of large lenders and further enrich their shareholders at the expense of low-income students and the American taxpayers. I urge my colleagues to oppose that amendment if it is offered, as I understand it will be.

To conclude, I commend Senator KENNEDY and Senator ENZI for their leadership in developing this legislation and bringing it to the Senate. I hope very much we can move ahead with it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Vermont.

Mr. SANDERS. Mr. President, I yield myself 20 minutes off the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SANDERS. Mr. President, I think all of us understand that both for the sake of our country and for the millions of young people in our country, we need fundamental changes in

the way we do higher education in America.

If we are going to be effectively competitive in a global economy, we need the best educated, the best trained workforce in the world. We need to capitalize on the intellectual potential of all of our people. It is a loss to our Nation and to the individual if there are people in our country who do not get the education they need to do what they are potentially able to do as American citizens.

I do not have to tell you or the people of our country that in America today, we have some very serious problems in terms of higher education. In my State of Vermont and all across this country, the cost of higher education is soaring, and what that means is that in order to send young people to college, family members to college, people are going deeply in debt, coming out of college, depending on their income, $20,000, $30,000, $40,000, $50,000 in debt, which has an immediate impact on the career choice that many young people are making.

If one comes out of college $50,000 in debt, if one comes out of graduate school $100,000 in debt, what they are going to do is get a job which makes them a lot of money to pay off that debt rather than go into the profession that they might otherwise have wanted to go into. That is bad for the individual, and that is bad for our country.

Let me be very clear in congratulating Senator KENNEDY, Senator ENZI, and other people on the Health, Education, Labor, and Pensions Committee on which I sit. My assistant, Dr. Huck Gutman, worked very hard in crafting a significant improvement in what we have seen in recent years in terms of higher education, most notably very significant expansion and improvement in the Pell Grant Program.

We are making progress in beginning to deal with the very serious problems of higher education and how Americans can afford higher education. But also let me be very clear, and I don't know how many other Members of the Senate will agree with me, while we are making real progress, we have a very long way to go.

When I talk with young people in the State of Vermont about higher education, I ask them how many young people their age who are going to college in Germany or in Europe or even in Canada incur the kind of debts they have and will incur when they get out of school.

Many young people in America are surprised to learn that in Germany, in other European countries, college education is virtually free. It is funded by the government. Frankly, I think that is a good idea. We should look at education in general, and higher education, as an investment in America with an understanding that if many young people are not able to get the education they need, our country loses in terms of its productivity; that it is a waste unimaginable, both for the individual and for our society.

If, as currently is the case, for the first time in modern American history, hundreds of thousands of low-income young Americans are saying: No, I don't want to go to college, I don't want to come out $50,000 in debt, think of what we are losing as a nation, not to mention the economic lost opportunities for those individuals.

Let me be very clear. Before we give hundreds and hundreds of billions of dollars in tax breaks to the wealthiest 1 percent, before we invest in weapons systems that are obsolete, it makes a lot more sense to me that we tell every family in America that a college education and graduate school are going to be there for them if they are prepared to work hard and if they have the ability, they will not be denied that opportunity because their family does not have a lot of money.

Let me also say I have serious concerns that at a time when we desperately need more physicians to bolster our health care system, when we need more nurses, when we need more dentists, it is absurd that people in the medical profession and in other professions are coming out deeply in debt, which also impacts their career choices.

We need, for example, primary health care physicians in Vermont. All over rural America, physicians are choosing other specialities because they can make more money.

To my mind, what we have to say in America, if we are serious about health care, if we are serious about law enforcement, if we are serious about making sure that low-income people have the public defenders they need, that Legal Aid has the lawyers they need, we have to do everything we can to say that anybody in this country who has the ability, is prepared to work hard, should be able to get a higher education regardless of their income and not have to come out of school deeply in debt. As a nation, we should look at that as an investment in the same way we look at many other types of investments.

This bill is a good step forward, but in my view, over the years as we fight to change national priorities, one of those priorities should be that every young person, the kids in the fourth and fifth grade know if they do their work seriously, they will be able to get a higher education; they will be able to make it to the middle class regardless of the economic situations of their families.

The cost of college in the last 20 years has tripled, but Federal financial aid has not kept up. Yes, we have given tax breaks to billionaires, but, no, we have not increased Pell grants and other sources of financial aid. I am very happy the legislation we are debating today will make college more affordable by raising the maximum Pell grant to $5,100 next year and increasing to $5,400 by 2011. That is a significant change and a significant step forward in funding higher education.

In Vermont, what we have seen is that between the 2000 and 2001 and 2005 and 2006 school years, the cost of attendance, including tuition, fees, and room and board, at 4-year public colleges in Vermont increased by 29 percent, from $12,836 to $16,571. Certainly, these Pell grants will mean a lot to the families in the State of Vermont.

As I mentioned a moment ago, the situation is even worse for those people who go to graduate school. Just an example: Students who attend the very fine Vermont Law School in South Royalton, VT, graduate, if one can believe this, on average $100,000 in debt. If they pay this debt off over 30 years, it will mean they will be paying $900 a month toward their debt for 30 years. If anyone doesn't think that impacts career choices, it certainly does.

This bill has a number of very important provisions. Most importantly, it increases Pell grants and it says we have to make it easier for families in our country to afford college.

It also provides a very important provision regarding loan forgiveness. This is something I believe in very strongly. We have worked very hard on this provision with Senator KENNEDY and others. What this is about is that in this legislation, there are loan forgiveness provisions for those people who go into public service. We all know if you want to make a whole lot of money, you go to some large company and make a lot of money. You may be one of the lucky ones making millions and millions of dollars a year. What happens if you want to go into law enforcement? What happens if you want to be a teacher who works with disabled kids? What happens if you want to be a Head Start teacher or do the extraordinarily important work of early childhood education, which is some of the most important work being done in America because it enormously influences what kind of an adult a young person will become. What happens if you want to do that?

In my State of Vermont, you can work in childcare and make $9 an hour, often without benefits. If you are coming out of school $50,000 in debt, you are not going to gravitate toward a job in which you make $9 an hour or $10 an hour because after you pay off your student loan, you are not going to have a whole lot to live on because of the low salaries and low wages those jobs involve.

What this legislation does, very appropriately—it is a good start; we have to go further—it says to the young people of this country that public service is an important calling. We want you to go out and work to be teachers, to be in law enforcement, to work in legal aid, to work as a public defender, to work in environmental protection, to work in a variety of areas that are extraordinarily important for our country and for our society.

Many of those jobs do not pay a whole lot of money. That is the reality. But we want you to be involved in

those jobs, to work in those jobs, and that means we are going to encourage you to do that by forgiving your debt if you do that. That is one way to help you get involved in those professions.

Some of the professions that would be eligible for this loan forgiveness are a full-time job in public emergency management, government, public safety, public law enforcement, public health, public education, public early childhood education, public childcare, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services, including prosecution or public defense, public library sciences, public school library sciences, or other public-school-based services. That is extraordinarily important.

What we have also done in this legislation is we have increased the eligibility level for people to get Pell grants. That is important because with the limited amount of money that was previously available, I suppose appropriately enough most of that money went to those families that were most in need, and that meant a large number of families in the middle class or lower middle class were not eligible for Pell grants. But we have expanded and raised the eligibility level so that many more families will be eligible.

Mr. President, as I conclude, this legislation is a significant step forward. I congratulate Senator KENNEDY for his leadership, Senator ENZI, and all of the people on our committee who have worked on this important issue. But let's not in passing this legislation rest on our laurels. This is a good start, but we have a long way to go.

My hope is that in the coming years, we will pass legislation which will have the impact of saying to every young person in America: If you are in the sixth grade or seventh grade, and if your family does not have a lot of money, if you study hard, if you do well in school, you will be able to get all of the education you need so that you can make it to the middle class, so that you can exercise all of your intellectual potential, and you can get out of college or get out of graduate school without being deeply in debt.

Education is not a ''cost.'' Education is an investment. If we are going to turn this country around and have the kind of health care system that provides health care to every man, woman, and child as a right, we need doctors to go into rural America. We need tens and tens of thousands more nurses. We need dentists. We need all kinds of people in health care, in law enforcement, in environmental protection working with our youngest children.

We have to say to any American: We want you to do as well as you can to get all of the education you can. We are proud of what you are doing. We see that as an investment in moving this country forward.

Again, I congratulate the leadership of the Health, Education, Labor, and Pensions Committee which I am on. I think we have taken a good step forward. I certainly hope this legislation passes, and I hope we continue to make substantial progress in the years to come.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, I ask unanimous consent that the time I use be charged to the bill.

Mr. CARDIN. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we have a number of our colleagues that have called and indicated that they want to address these issues, and we welcome their statements and comments. I want to just mention, as I will during the course of the afternoon, some of the different provisions of the legislation.

I know earlier in the day my friend and colleague, Senator ENZI, outlined some of the provisions in what we call the reauthorization legislation. I am in strong favor of reauthorizing the Higher Education Act. We are debating now the issue of loans and financing these programs, which is extremely important and urgent for students, and that is why this bill is on this fast track. This bill provides very important assistance to the neediest students and middle-income families, and we want that to go into effect as rapidly as possible. But we are also strongly committed to the other provisions of the reauthorization legislation that deal with the broader issues on education.

I am hopeful during the course of the time that we are considering this current legislation that we will be able to work out a process and proceed to moving ahead with the reauthorization. The reauthorization, as has probably been mentioned by my colleague from Wyoming, curtails sweetheart deals between lenders and colleges which so many American families have been reading about and hearing about in recent years. It is an extraordinary scandal where too many of these lenders—and this has been true in my own State of Massachusetts as well as other parts of the country—have been involved in sweetheart agreements and kickbacks, which, obviously, are completely unethical, unacceptable, and, in some instances, criminal. But we provide provisions to curtail those kinds of abuses in the reauthorization legislation. We also simplify what we call FAFSA—the Free Application for Federal Student Assistance—to make applying for Federal aid easier.

I have here, Mr. President, the current FAFSA form, and any preliminary view can see that this is enormously extensive, and extremely difficult, in many instances, to understand and to fill out. I am enormously grateful, and all of us should be, to our colleague and friend, Senator ENZI, who by training and profession was an accountant, and he was willing to take on the task of simplifying this application to ensure that there was going to be adequate protection in terms of the public interest and in terms of taxpayer interest, but also made it understandable and readable. So the reauthorization bill would create an EZ FAFSA, for the lowest-income students to use immediately, and would phase out the paper application for all students over a number of years.

I will show you what has happened and give some of the background. In 2003–2004, about 1.5 million students who were likely eligible for the Pell grant did not fill out this form. They had such difficulty in going through it, and too often in the high schools they attended they didn't have the kind of professional assistance to help those young people to take advantage of federal student aid. Twenty-eight percent of the lowest income independent students didn't fill out the FAFSA in 2003–2004, and nearly all would have been eligible for the Pell grant.

So the HELP Committee package shortens the FAFSA for the lowest income students, and for all students within the next few years. And the HELP Committee package increases the income level at which students are automatically eligible for the Pell grant as well.

It might not sound like a very important provision, but this is an instance where this application is enough to seriously discourage many young people, particularly those in middle-income and low-income families, from moving ahead; and, as a result, an important loss to our country.

Mr. President, I see the Senator from Washington is here, a member of our committee who has been a champion on education—she has been a school board member, a teacher in her own right, and has been a real leader on all of our educational issues, and was enormously valuable and helpful in the development of this legislation—and I am glad to yield such time as she may use on the bill.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank our floor managers, Senator KENNEDY and Senator ENZI, for yielding me time at this point to talk about the extremely important legislation that we have before us today.

In these days of global competition, a college education is the gateway to a successful career, to a growing economy, and to a stronger future for our entire country. Today, we have in the Senate an opportunity to help more students attend college and to afford a college education. I am pleased to be here today to speak on the Higher Education Access Act.

Mr. President, when I was growing up, my family didn't have a lot. The only way I was able to attend college was through Pell grants and student loans. In fact, because of Pell grants and student loans, all seven kids in my family were able to go to college and to get an education and to graduate. Today, those seven kids, because of Pell grants and student loans, have become a school teacher, a lawyer, a firefighter, a homemaker, a computer programmer, a sports writer, and a U.S. Senator.

In my book, Mr. President, that was a pretty good investment by our country. I want to make sure now that students today have the same opportunities I had growing up. It is important for them as individuals, and it is critical for our country's future.

In recent years, the deck has become increasingly stacked against our students. College has become more expensive while some of our large lenders have taken advantage of students. Those students who are able to attend college are often graduated and saddled with debt and unable to have the resources to even buy a car or even think about purchasing a home. Other graduates can't pursue public service jobs in areas where our country really needs their help because they can't afford to pay back their loans on a public service salary.

The bill that is before the Senate this afternoon will begin to turn the tide back in favor of our students. It will put our students first and make college more affordable. It will help our recent graduates, and it will encourage public service.

I also worked on this bill to ensure that military servicemembers get more time to defer their student loan payments while they are on active duty, and I was pleased to provide more help for homeless and foster students who often face unique problems when they try to navigate the college process.

Before I turn to some of the details in the bill, I want to take a moment to thank Senator KENNEDY for his leadership in moving these proposals forward and making sure this bill finally does right by those who count the most, our students.

First, this bill raises the maximum Pell grant by 25 percent over 4 years to $5,400 per student. That is going to make a real difference for students in my home State of Washington. In my State of Washington, in 1986, the maximum Pell grant covered 53 percent of the cost of a public 4-year college. Today, it only covers 33 percent of those costs. So those students have gone from having 53 percent of their costs covered down to 33 percent. By raising the maximum Pell grant, this bill is going to help students in Washington State and across the country do what we all want them to do, and that is to go to college.

In Washington State, this bill is going to make another $39.6 million available in need-based grants next year alone, and over 5 years the bill will provide an additional $340.6 million for low-income students.

This bill will also ensure that college graduates are not trapped by high loan payments after college. It will guarantee that borrowers will not have to pay more than 15 percent of their monthly income in student loan payments. That will help bring immediate relief to our students whom we see burdened with these excessive loans.

Another problem with the high student loan debt is that it limits the career choice of many of our college graduates. Many of them can't afford to take a job in public service and pay back their loans at the same time. This bill will help encourage public service by providing loan forgiveness for graduates who pursue careers in these areas.

As I worked on this bill with my colleagues, I thought it was very important to help out military servicemembers who have student loans. I have worked very hard to allow those who are serving in combat or national emergencies to defer their student loan payments during their deployments and as they transition out of service. Today, under current law, it limits how long servicemembers can defer their payments to only 3 years.

As many of us know, our military members have been on active duty today much longer than that. This bill makes a critical step forward in lifting that 3-year limit and will help make more of our servicemembers eligible. Those who are serving our country have enough to worry about. Financial challenges and worrying about paying back their student loans should not be something they have to worry about as they serve overseas and transition back here to home.

I was also pleased to help improve college access for our homeless and foster students. Those students who are homeless or come from foster homes face tremendous barriers in their education, especially those who do not have a parent or guardian who are able to help guide them through the process. In this bill, I worked to help simplify the student aid application process and made homeless and foster students eligible for higher levels of assistance.

Before I conclude, I do wish to say there is one amendment that may come on this bill about which I am very concerned, and that is because it would tear through this bill and undermine all the progress we have worked so hard to make for our students. That is an amendment that allows higher subsidies for some lenders, including lenders who acted so irresponsibly in the recent student loan scandals. That amendment is going to take money away from our students and take money away from the Pell grants in this bill.

With this bill, we are trying to help more students afford college. The amendment would take money away from our students and away from Pell grants and I do not see any reason why we should change this bill and help fewer students and put that money back into the pockets of lenders. As we move through this bill, I hope we will reject efforts that hurt students so we can pass this strong and effective student aid legislation.

To me, it is simple. If we want our economy to grow, if we want our people to succeed, if we want our country to be strong, we have to help more students today get a college education. This bill that is before the Senate will do that. I urge all our colleagues to support this bill in the strongest measure as it has been brought forward to us by Senator KENNEDY.

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

Mrs. MURRAY. I will be happy to.

Mr. KENNEDY. I wish to underline three very important provisions the Senator from Washington took a particular interest in, beyond the other provisions on the legislation. She mentioned these in her excellent comments, but I think it is worthwhile to take a moment to emphasize them. I refer to those provisions dealing with homeless and foster children as well as those in the military. Under the provisions the Senator from Washington championed, homeless children and foster children, too often left behind, have enormous challenges. But we know—we have all heard these extraordinary stories of the incredible drive that so many of these young people have, even while facing extraordinary challenges. Under the provisions on which she worked tirelessly, the bill will establish these children as independent students—obviously, they have to have the academic qualifications to be able to gain entry into the schools, private or public institutions—but they will be considered what we call independent students. This means they will be able to get some very small but important additional help and assistance that may be a lifeline to assist them and facilitate their admittance into schools and colleges; am I correct? I'm so pleased the Senator mentioned these two provisions because they are small items in a large piece of legislation, but I think they are extremely important.

My colleague from Washington also mentioned the provisions dealing with those individuals who are in the military, to permit them to have a respite from repayment while they are on active duty service, serving our country. It seems they have challenges enough. They obviously will meet their responsibilities when they are no longer on active duty. But it seems to me the help that is being provided for those in the service is critical, and so, if the Senator will comment again on the difference these provisions can make to servicemembers, and those provisions to homeless children and foster children, I think it will be useful for our colleagues to know about.

Mrs. MURRAY. I thank the Senator for his question. I actually became interested in the issue of homeless children, foster children many years ago when I served in our State legislature and found out, quite by accident, that students in our State were being denied access to public schools simply because they didn't have an address. I never thought about it before. Everybody goes and their mom registers them for school and they write their address down and they register and start school with a big smile on their face. In my home State many years ago, not if you were a homeless student. So I passed legislation in our State legislature to make sure that students who did not have an address would be allowed access to any school to which they applied.

I followed that throughout my career and met amazing young people who have tremendous capabilities who, through circumstances that had nothing to do with them, were either homeless or were foster children. A young man I worked with a few years ago had been in over 80 foster homes from the time he was young until he was 18. Once they turn 18, these foster students all of a sudden become independent, and they do not have a parent to take them off to college on that first day that is so important or to send them a check once in a while to help them with their books or even to help them navigate through the paperwork that is required when you try to apply for financial aid.

With the help of Senator KENNEDY and others on our committee, we put provisions in this bill, only a few sentences but very significant, helping to simplify the student aid application process for our homeless students and to help both the homeless and foster students be eligible for higher levels of assistance because they do not have anyone to rely on at home once they head off to college.

This is an important investment that will pay off in many ways, I believe, in the future, and give some hope to some young people who truly, in our country today, deserve it.

On the other issue the Senator from Massachusetts talked about, I, similar to many Senators, go home and talk to young men and women who are either going off to war in Iraq or Afghanistan or around the globe or who have returned recently. I tell you, one of the things they constantly struggle with is the issue of paying back their student loans. Similar to many young people today, they have gone to college maybe for a year or two, maybe graduated with a very high student loan they are required to pay back. But they are deployed over to Iraq, trying to manage the paperwork of that or pay for it on a military salary. It is impossible.

Along with our colleagues on the committee—I see Senator CLINTON on the floor today too—we put in a provision to make sure that when our men and women are serving overseas, they not have to worry about paying back student loans. I think that is the least of what we should be doing for those men and women we have asked to serve this country.

I thank my colleague from Massachusetts for working with us on these two provisions and tell all our colleagues, we have an obligation in this country to the next generation. If you talk to anyone who is struggling through school today or through college or is a graduate, they will tell you the No. 1 worry they have on their mind is paying back that student loan.

We want them to be able to go out and get a job and give back to our economy, purchase a home, be able to invest in themselves and their future. Yet they are worrying about paying back student loans. This is a significant step forward, making sure the next generation has what this generation had and generations have had before them, and that is focusing on hope and opportunity and not on debt and long-term concerns about being able to pay that back.

I thank my colleague from Massachusetts and appreciate his work on this bill.

Mr. KENNEDY. If the Senator will yield? I see the Senator from New York here. The result of the good Senator's life story, talking about the members of her family—the history of the GI bill is that for every dollar the Federal Government actually invested, $7 was returned. We are reminded again, this is not legislation that is going to cost the taxpayer a nickel and it is going to increase opportunity and hope, particularly for homeless children and foster children, because it will make them eligible for additional help and assistance which will effectively enhance their opportunity to go to college, and help reduce their debt after they get out of school. It is opening up opportunity.

I again commend the Senator from Washington. She has been a leader on the issue of veterans and, as all of us remember so clearly in the wake of the Walter Reed scandal, her very clear and powerful voice, both before that and afterward, as a voice for those families and the service men and women. This is a practical and important provision in this reconciliation bill that will make a big difference to our service men and women and to their families. I thank her very much for all of her good work.

I see the Senator from New York. I thank her for her extraordinary contribution in the development of this legislation. Senator CLINTON has been a leader, in terms of understanding some of the ethical challenges that existed in the loan program and helping fashion some of the most important provisions in this legislation that are going to ensure that the resources which are out there, that are meant to go to students, go to students. I thank her for her extraordinary work in that area. Also, Senator CLINTON has been a leader in developing provisions to support and assist nontraditional students, part-time students, and single mothers. They will have access to the assistance they need to complete their education.

We have included in here, at her strong suggestion, the year-round provisions for the Pell Grant Program. We are making it available all year round because of the changing educational system and process. I thank her also for her work on the provisions that are enormously important to so many students and families—that is, helping individuals who work in order to try to offset some of their education costs. They get caught in this trap where they have higher income and therefore less help and assistance. This legislation increases the amount of income that is sheltered from the financial aid process in order to protect working students, and to reward their hard work.

The good Senator was enormously creative and imaginative helping us deal with that situation. The young people of the country will be very grateful and appreciative for her strong leadership and good work.

I yield to her such time on the bill as she might use.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am delighted to come to the floor and talk about this extremely important legislation. I thank our leader, a great advocate on behalf of education, the chairman of the Health, Education, Labor, and Pensions Committee, Senator KENNEDY.

This bill represents a tremendous victory for students, for their families, for higher education, for the future of the American economy, for millions of families who still struggle to pay for college and for millions of young people who will not only carry from their education a degree, but, on average, more student debt than any graduates who came before them.

Most of all, this bill is a victory for that young boy or girl who is thriving in school, who might one day wish to attend college and fulfill his or her God-given potential but worries that such a wish is beyond his or her reach; that it is too expensive to realize.

I commend the members of the committee on both sides of the aisle for the great work that has been done bringing this bill to the floor. I was thrilled with many of the provisions, some of which I have worked on ever since I came to the Senate, particularly focusing on nontraditional students who more and more are becoming the norm—older students, married students, single-parent students—who often have found there were barriers to their accessing whatever help was available from the Federal Government programs to continue their education.

I am also personally thrilled at what we have done for homeless and foster youth. This has been a passion of mine, going back to my years as a law student, when I first started representing

abused and neglected children, children who ended up in the foster care system, all the way through my time in the White House, where we were instrumental in working with the Congress in passing landmark legislation to make adoption easier, to try to make the foster care system more responsive to the needs of the child and to accelerate decisions being made as to whether a child would ever realistically be able to return to his or her biological family; to my years in the Senate, where we have continued to try to help students who are in the foster care system as they age out.

As Senator MURRAY pointed out, when you turn 18 or graduate from high school, whichever comes first, still in many States in our country, you are no longer eligible for the foster care system. What that has meant is that a social worker usually shows up at the foster home with a big black garbage bag and tells the young man or woman to put his or her belongings into that bag because they are no longer able to live in a foster home with State support. Many young people whom I have been privileged to know, some of whom have interned for me, worked for me in my office here or in my office in the White House, they were the lucky ones. They had the right combination of personal resilience and ability combined with mentoring and some breaks along the way that enabled them to complete high school and often go to college at great cost.

Many of them had nowhere to go during summer vacations or Thanksgiving or Christmas or any other break in the academic schedule. Some of them hid themselves in the dorm. Some of them stayed in bus stations or airports. Some of them prevailed upon a friendly professor or fellow student to take them in.

By recognizing the special needs of these special students, we do a very important piece of legislative business that has a big heart in it. I thank my colleagues who worked with me and others to make this happen.

When we think about the importance of college, it is hard to grasp the fact that most young people in our country will not go to college and graduate. The college-going rate has been pretty stagnant now for about 20 or 30 years. As the cost of higher education has gone up, it has become even more difficult for young people to work their way through, to afford the increases in tuition and room and board. But the investment in college still remains a very good one.

Each additional year of education after high school increases an individual's income by 5 percent to 15 percent. A college degree will enable an individual to earn close to $1 million more in the course of a life's work than those who have only a high school diploma.

It is no coincidence that the rise of the American middle class coincided with the explosion of college attendance. It unlocks economic potential, and it gives students access to the American dream—to a career and a life that they, then, can build.

But as I say, unfortunately in the past 25 years, the cost of college has risen faster than inflation. College costs have tripled over the past 20 years and, as the costs spiral upward, so has the size of the loans and the loan payments that are necessary. Students who borrow, take out loans averaging $15,500 while attending public colleges and universities and almost $20,000 while attending private schools, twice what they would have borrowed 10 years ago.

At New York University in Manhattan, 60 percent of students graduate owing an average of $27,639. At Idaho State University, 69 percent of students graduate owing an average of $29,467. At the University of Miami in Florida, whose president served with such distinction in this town as the Secretary of Health and Human Services for 8 years, 58 percent of the students graduate owing an average of $31,723.

This debt limits students' options and damages their financial futures. It is a chain around their ankles as they end their education and go out into the world of work.

With this reconciliation bill, we are cutting that chain. This bill will provide $17.3 billion in student aid, the largest increase in student aid in more than a decade.

It will provide this aid without raising Federal taxes one dime. First, the higher education reconciliation bill increases the purchasing power of the Pell grants which help the lowest income students offset the cost of college. It is no secret to anyone in this Chamber that the purchasing power of the Pell grants has declined dramatically, from nearly 60 percent of the cost of a public school 20 years ago, to only 36 percent today.

This legislation provides the largest Pell grant increases in more than a decade, increasing maximum Pell grants to $5,100 immediately, and to $5,400 by 2011.

Now, take my State, for example. This initial boost will provide over $200 million in increased grant aid to New York students for the 2007–2008 school year alone, and $1.7 billion by 2013. The legislation also raises the income cutoff for Pell grants from $20,000 to $30,000, making many more students from many more families eligible to receive Pell grants.

Second, I am very pleased that the Higher Education Reconciliation Act tackles an issue addressed in legislation I sponsored in the last Congress called the Student Borrowers Bill of Rights. It provides protection for student borrowers while they repay their loans. It does so by capping monthly loan payments at 15 percent of the borrower's discretionary income and provides several important protections to members of the Armed Forces and public service employees during repayment.

This is critical to helping students manage their debt, essentially in the first few years after they graduate. Third, I am pleased the reconciliation bill also creates a new loan forgiveness plan through the direct loan program for public service employees. I hear from many students in New York and around the country who would love to be teachers or police officers or firefighters or nurses or social workers or public defenders, but sadly they are so saddled with debt, that such careers in the public arena seem like an impossibility for them. That is the wrong policy.

We want to encourage more young people to go into public service. Our policies should respect that choice, not denigrate it. Under the loan forgiveness program, the remaining loan balance on a loan is forgiven for a borrower who has been employed in a public sector job and making payments on the loan for 10 years. These jobs are essential to the communities they serve.

I believe this program will encourage public service and provide an incentive for borrowers to pursue low-paying, perhaps, but vital professions to our country. When I was getting ready to go to college many years ago, my father, who was a small businessman, a very small business, said he had saved enough money for me to go to college, and he said, I will pay tuition, room and board, but if I wanted to buy a book, I had to earn the money. That was fine because I worked ever since I was 13 in the summer and during vacations. So I worked my way through college with my family's help. And when I graduated I decided I wanted to go to law school. I told my father that. He said: That is not part of the bargain. If you want to go to law school, you have to pay for it yourself.

So I got a little scholarship, and I continued to work year-round, and I borrowed money directly from the Federal Government, the National Defense Education Act, something which many of us in this Chamber took advantage of when we were pursuing our education.

The interest rate was very low. The repayment schedule was something I could handle. I did not have to worry about anyone raising the rate on me or changing the terms. I worked first for the Children's Defense Fund as a young lawyer, and then in public service here in Washington, working for the Congress, and then teaching law at the University of Arkansas and running a legal aid clinic.

During all of those years when I was doing public service and academic work, I could handle what my repayment obligations were. I want that available for young people today. I think it is so important, especially as we look at what is happening in Government service and other public service professions, to see how there is an

aging going on that is going to eventually result in the loss of a lot of very experienced people.

You know, I spent Monday at Binghamton University in New York where we have the only Ph.D. program in rural nursing. I met at the nursing faculty with some of the nursing students. It is a wonderful program. But, you know, the average age of a nurse in America is over 45. The average age of a nursing faculty member is 54. We have many people who want to go to nursing school, and we do not have places for them, even though they are qualified. We have a lot of others who worry about how they can pay for their education.

You could replicate that across every single profession that really falls into the service profession, the caring professions, where we are seeing shortages of people because there is a disconnect between the salary they are paid and the debt they have to incur in order to get the credentials to be able to perform the public service.

So I believe in the long run this increase in student aid will pay for itself. Not only do college graduates earn more and are therefore able to pay back the society, but they are less likely to draw on public resources, and they are much more likely to make a contribution.

This bill has had great bipartisan support. I am very proud to have worked on it and to see the positive changes that it includes. Clearly, this is something that I hope we will be able to pass by acclimation. I hope that after the difficulties and the debate and the disagreement of the last week over the very difficult issue of Iraq, I hope we will come together around a fundamental American value; namely, education.

We have the best higher education system in the world. It is a system filled with second chances for people who decide at the age of 18 or 80 they want to pursue an education in a community college or a technical college or a 4-year college or a university. This is one of the really important aspects of American society, and it is instrumental to the further development of our economy and the hopes of a return to shared prosperity for our people.

I urge all of our colleagues to come together to support this higher education reconciliation bill, to make higher education more affordable. It is good social policy. It is good economic policy. It is certainly good budgetary policy. It makes a big difference to millions and millions of hard-working young people and their families.

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

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

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent to be able to proceed as in morning business for up to 6 minutes.

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

IRAQ

Mr. LEAHY. Mr. President, like all of the others, I was here throughout the night. I was happy to do that because I strongly supported the Levin-Reed amendment. But I had hoped that the filibuster would be ended on this vital piece of legislation.

I was 1 of 23 Senators who voted against going to war in Iraq. The distinguished Presiding Officer, my Senate partner from Vermont, voted a similar way in the other body.

Mr. President, the President's Iraq strategy has been a disaster. It was born of deception, fueled by incompetence, and pursued through arrogance and stubbornness.

This strategy has not made us safer. It has undermined the international credibility that took generations of Americans' sacrifice to build; it has squandered billions of hard-earned tax dollars that would have been better used in directly countering terrorists; it has skewed our priorities here at home; it has weakened our military readiness; and it has created an open sore in an already volatile Middle East.

It is time to extricate our troops from Iraq's civil war and let the Iraqis and their regional neighbors forge their own political settlement.

As many predicted, the security situation in Iraq has not appreciably improved despite the President's surge strategy.

The ongoing violence comes from a deadly brew of suicide bombings, intra-ethnic conflict, and out-of-control militias—all unleashed by the President's poorly planned invasion and occupation of the country.

Our troops can provide some semblance of security in limited areas for limited periods of time. But this fleeting security largely just shifts the focal points of violence, and it comes at the horrific price of the lives and limbs of still more of our soldiers and marines killed and maimed every day in roadside bomb attacks and ambushes.

The issue is not whether our troops can gain control of a few city blocks but whether there is any way that we can stop Iraq's civil war.

I challenge anyone to say how we can do that, when the Iraqis do not yet have the political will to do it themselves.

The Iraqi Army is fraught with ethnic divisions and few Iraqi units are capable of fighting successfully on their own.

As others have pointed out, it often appears the Shiite-dominated Iraqi Army is simply out to settle scores with the Sunnis who ruled Iraq under Saddam Hussein. The unfortunate truth is that the Iraqi Army cannot bring security now, and it is unlikely to be able to in the coming years without overwhelming, side-by-side support and sacrifice of American soldiers.

That leaves political reconciliation, and we all know where that stands. The Iraqis are no closer to an oil revenue-sharing agreement, no closer to an acceptable political arrangement, and no closer to a functioning government that serves all Iraqis. Our presence has become an excuse for inaction. Why should Shiites sacrifice when they have American forces to die for them?

Why should the Kurds be more conciliatory when they think we will protect them forever? Why should the Sunnis reconcile among themselves when they can fight Americans together?

Rory Stewart, an insightful author and observer of the Middle East, recently commented that our presence in Iraq—is to use his phrase—''infantilizing Iraqi politics,'' making the Iraqis completely incapable of finding their own way.

As our troops are withdrawing, we should make a concerted diplomatic push, bringing together representatives of Iraq's Government and Iraq's neighbors.

They would have little choice but to recognize that without the U.S. military's constant presence, they have to make some kind of accommodation among themselves.

That is what the Levin-Reed and the Feingold-Reid-Leahy amendments would accomplish.

Based closely on the recommendations of the Iraq Study Group, both amendments would require the withdrawal of U.S. forces in Iraq to commence within 120 days.

By springtime of next year, only a small number of troops necessary for limited counter terrorism, force protection, and training purposes would remain in the country.

These amendments would effectively end the U.S. military presence in Iraq as we know it.

The White House wants to wait to until September, when General Petraeus will report on progress from the surge. Yet it is folly to wait when we already know what the answer will be.

We are going to hear words like: The situation is still challenging, but we are making progress. We are going to get a report like the glossy one released last week, which said the Iraqis are making progress in some areas, as if that is enough reason to continue further still down the wrong road.

We can already see the way the review is predetermined in statements of General Petraeus's deputies.

General Odierno told reporters a couple of months ago that the current surge level of U.S. troops would be needed in Iraq through next year. Major General Lynch, the commander of the southern portion of Baghdad, echoed that view only yesterday.

We in Congress have a constitutional responsibility to act now.

If we put off developing a consensus plan for the redeployment of U.S. forces, more of our troops will be needlessly killed and wounded. More innocent Iraqis will lose their lives. And, as today's public summaries of the National Intelligence Assessment on al-Qaida underscore, the war in Iraq has made our country less safe. It is an indictment of the ruinous policies and strategies this administration has pursued in Iraq, year after year.

We must end this treadmill trudge to nowhere. We must show the Iraqis that only they can save their country. It is time to shift focus back to Afghanistan and to rebuild our military and our defenses at home. It is time to restore our reputation as a nation united in combating terrorism but unwilling any longer to sacrifice our sons, our daughters or our values for a flawed policy that cannot succeed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, is there a speaking order at this time?

The PRESIDING OFFICER. There is not.

Mr. GREGG. Mr. President, I understand the Senator from Alaska may have an amendment to offer, and when she does, I will be happy to yield the floor to the Senator from Alaska.

Ms. MURKOWSKI. I am sorry.

Mr. GREGG. Is the Senator from Alaska planning to offer an amendment?

Ms. MURKOWSKI. Yes.

Mr. GREGG. Does the Senator seek the floor at this time? Without yielding the floor, I yield to the Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I understood it would be necessary before I offer such an amendment that there be a unanimous consent request propounded. I look to the floor managers at this time.

Mr. GREGG. I will speak, and if the Senator from Alaska wishes to offer her amendment and that has been worked out, I will yield the floor to the Senator from Alaska. I am not offering an amendment at this time. Whenever she wishes to proceed, tap me on the shoulder.

Mr. President, I wish to address an issue which may be perceived as a bit arcane and is outside the policy within the debate that is occurring here, which is actually quite critical to the fiscal discipline of our Government and especially the Congress.

This bill comes forward as a reconciliation bill. This is an arcane term which arises out of the Budget Act. The Budget Act creates the ability for the Budget Committee, when it is creating a budget, to give instructions to various committees within the Congress to meet goals set forth by the Budget Committee. These instructions are called reconciliation instructions.

The purpose of reconciliation is to control entitlement spending primarily and to control the rate of growth of the Government, in fact, as a purpose.

It was structured because although part of the budget can discipline discretionary spending through what is known as caps, it is virtually impossible to discipline the rate of growth of Government on the entitlement account side through spending caps because entitlements are programs which people have a right to and a spending cap has no impact on it.

So if we are going to affect the rate of growth of spending on the entitlement side, programs which people by law have a right to receive and is a Federal benefit—that is programs such as veterans' benefits, education benefits under the Pell grant, in some instances, Medicare, Medicaid. Those are all entitlement programs. If you are going to control those entitlements, you actually have to change the law.

So the Budget Committee—and it is probably the primary power vested in the Budget Committee—passes a budget to direct various committees in the Congress that have jurisdiction over various entitlement programs to control the rate of those programs and, thus, the rate of growth of the Federal Government.

That was always the concept of the Budget Act—control the rate of growth of the Federal Government, especially in the entitlement accounts through reconciliation.

But what has happened is a total adulteration of that purpose. In a rather effective sleight of hand, the Budget Committee, with the full knowledge of the Budget Committee on the majority side and with the full knowledge of the majority side, gave a savings instruction to the HELP Committee to save $750 million over 5 years, which is a lot of money, but under the Federal budgeting process actually is still an asterisk.

Why would the Budget Committee ask the Health, Education, Labor, and Pensions Committee to save $750 million over 5 years, when it asked no other committee in the Congress to save money in the entitlement accounts? None. No other committee was asked to discipline fiscal spending around here on entitlement accounts.

Well, because it was a ruse, a pure unadulterated ruse. The HELP Committee, under the able and wily leadership of the Senator from Massachusetts, whom I greatly admire as one of the finer legislators in this body, had identified a pool of money which they knew they could grab, specifically subsidies which are paid by the Federal Government to lenders and which are unquestionably excessive—there is no debate about that.

That pool of money had been identified by the wily chairman of the Health, Education, Labor, and Pensions Committee. He knew that if he could get his hands on that money, he could then spend it. But he also knew he couldn't get his hands on that money without a reconciliation instruction from the Budget Committee.

So what happened was we had this small, in the context of Federal spending around here, budget savings instruction of $750 million given to the HELP Committee by the Budget Committee, with reconciliation appended to it as a protection. What reconciliation protection means is the bill comes to the floor, it has to be completed in 20 hours, and it only takes 51 votes to pass it. That is a huge protection in the Senate—protection from the filibuster rule, protection from the standard operating practice of the Senate with a lot of amendments occurring which could take up to weeks. It is an immense power to give to a bill to identify it as a reconciliation bill for the purposes of passage. So that bill, that power of reconciliation was attached to a $750 million instruction for savings.

Then the HELP Committee passed out that bill, the reconciliation bill. I believe it is a $19.7 billion bill—$19.75 billion, something like that. What happened to the other $19 billion in savings? It is being spent.

This chart reflects it fairly well. The new spending, under expansion of programs under reconciliation, under this bill, will be $19 billion. The actual savings under the bill will be making a farce of the concept of controlling the size of the Federal Government and Federal spending through the reconciliation process, inverting the process, to be quite honest, at a rate of 1 to 20.

Ironically, when the budget left the Senate, it had an amendment in it which said—because I offered the amendment, so I am familiar with it and it was passed, which was even more surprising—which said that no reconciliation bill could spend more than 20 percent, which I thought was still too much, of the amount saved.

Had that amendment survived the conference process, this bill could not have come to the floor because this bill spends $20 for every $1 it saves. Under that amendment, not the reverse but a significantly different approach would have had to have been taken. It would have had to save $5 for every $1 it spent.

This is a totally new practice. This is a historical use of reconciliation. We can see that deficit reduction over the years through reconciliation has occurred rather dramatically. But in this bill, in this budget, there was no deficit reduction through reconciliation.

More importantly—and this is the real essence of the problem—the spending under the Federal budget, the alleged reductions had no impact on spending. Spending continues to go up dramatically because actually the mechanisms that are supposed to be

used to reduce the size of spending or the rate of growth of spending—we never actually reduce spending around here—reduce the rate of growth of spending and the rate of growth of a Federal program is a mechanism that is now being used to dramatically expand the rate of growth of spending of the Federal Government.

So the Budget Act, which has been under significant pressure to begin with, and basically in 3 of the last 5 years we haven't even been able to pass a budget, has now essentially been emasculated as a concept of disciplining spending and is now being used as a mechanism to expand the size of the Federal Government and destroy the fundamental purpose of reconciliation.

Why is this a problem? Whether we like to admit to it, we have some huge issues coming at us in the area of entitlement spending in this country. We have on the books $65 trillion—that is trillion with a T—of unfunded liability in the three major mandatory or entitlement accounts—Medicare, Medicaid, and Social Security.

The only way, I suspect, that we are going to be able to manage some sort of disciplining of those programs so they are affordable for our children, so we don't pass on to our children a Government that basically overwhelms their capacity to pay for it, is through using the reconciliation process. But that process has been, for all intents and purposes, run over. A new concept has been developed.

Reconciliation will no longer be used to control the rate of growth of the Federal Government. It will be used as a stalking horse for expanding the rate of growth of the Federal Government. The great irony, of course, is it did not have to happen this way. The equities are on the side of the Senator from Massachusetts relative to the need to reduce the subsidy to lenders and, in fact, I proposed an idea which would have probably seen a much bigger reduction in lender subsidies, which would be an outright auction so we could actually find what is the market value of what should be paid for these accounts.

Even the administration wanted to take a fair percentage of those funds that would be saved from lenders and move them into Pell grants. My druthers, of course, but I am not in the majority and I suspect I wouldn't win this fight, would be to take a big chunk of the money and put it into Pell grants and a big chunk of money and put it into deficit reduction so we start to pay down some of the problems we are presenting our children. But under any scenario, the protection of reconciliation was not necessary to accomplish this funding. In fact, it would have been good had reconciliation not been used because then we would have tied to this bill the underlying policy of the Higher Education Act, which should be passing the Senate at the same time this funding mechanism is passing this Senate.

But, no, the choice was to go this cut-by-half proposal, which in the process has fundamentally harmed our capacity as Congress to discipline ourselves and is using a vehicle meant to control the rate of growth of Government to expand the rate of growth of the Government.

I probably am the only person in this body frustrated by this situation because I may be the last person in this body who believes we should use reconciliation for fiscal discipline. But I thought the point should be made as former chairman of the Budget Committee that we have now, for all intents and purposes, as a body, abandoned any attempt—not any attempt but the one vehicle that gave us credibility on the one issue of doing something about the most significant issue we confront as a nation after the question of how we fight Islamic fundamentalists who wish to do us harm with weapons of mass destruction. After that issue, which pervades all other issues, the most significant issue is the fact that we are about to pass on to our children a government that under no circumstances can they afford because the cost of entitlement accounts is going to exceed their capacity to pay for those accounts by huge numbers.

In fact, we had a study last week from CBO that said in order to pay for the pending entitlement responsibilities of the baby boom generation—Medicaid, Medicare, Social Security—tax rates in this country will have to go to 92 percent—92 percent—of income. Obviously, that is not a doable event. The one mechanism we had around here to force action effectively has now been emasculated by the process which we are participating in on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it is my intention to offer an amendment. As I understand, there needs to be a unanimous consent request prior to my doing so; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that notwithstanding time remaining for debate on the Kennedy substitute amendment, an amendment be in order.

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

The Senator from Alaska.

AMENDMENT NO. 2329 TO AMENDMENT NO. 2327

Ms. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 2329 to amendment 2327.

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

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

The amendment is as follows:

(Purpose: To increase the amount appropriated for the college access partnership grant program)

On page 55, line 23, strike ''$25,000,000'' and insert ''$113,000,000''.

Ms. MURKOWSKI. Mr. President, we are talking today about the Higher Education Access Act. When we talk about higher education and the importance of higher education in this country, it is all about access. We can have incredible universities, we can have wonderful schools within our State systems, but if the students do not have access to them due to financial constraints or whatever the limitations may be, we have not truly provided for access, we have not truly provided for our young people to better themselves to the fullest extent possible.

There are many significant provisions contained within the Higher Education Access Act. I am pleased to have been able to participate in the good work of the chairman and the ranking member in moving this through the HELP Committee.

There is one provision contained within higher education that establishes a provision called the College Access Partnership Grant Program, again, speaking to how we truly provide for access to our colleges.

The budget instructions directed the HELP Committee to save some $750 million for deficit reduction. This is what the Senator from New Hampshire was referring to a moment ago. The Higher Education Access Act saves $930 million. This amendment, the amendment that I am proposing this afternoon, would redirect $176 million from deficit reduction to making sure that more American students, more of our young people, are able to access and to succeed in college.

Think about how many initiatives we have on this Senate floor to provide for a better America, a better country, to make us more competitive in the world market. How do we do it? We have been focusing on our young people and providing them with the opportunities. We have been focusing on aspects of education, whether it is through an emphasis on accountability, such as we have seen in the No Child Left Behind, or the more recent focus we have made in focusing on science and engineering so that our young people are truly competitors in that world market today. We need to be serious about investing in our children's education and truly in their future.

What this amendment would do is expand the borrower benefits that are offered to low-income students, the very students we know are not graduating with college degrees. Our statistics don't lie to us. We know those in the lower income category are not going into college in the first place, so many of them, and then many who do are not

successful in completion. Of the 75 percent of high school seniors who continue their studies, only 50 percent of them receive a degree 5 years after enrolling in postsecondary education, and only 25 percent of them receive a bachelor's degree or higher. So we are not seeing completion. But for the lower income families, 21 percent who enroll in college complete a bachelor's degree as compared to 62 percent of higher income students who enroll.

So what is the problem? What are we doing wrong? What are we not doing enough of, need to do more of, and how can we truly provide this college education that for generation after generation has been what families seek for their children—go on to college, go on and make yourself a better contributor to American society.

In my State of Alaska—unfortunately, I am not quite sure what our statistics are now—when I was serving in the legislature we were seeing only about 30 percent of our high school graduates going on to college—only about 30 percent going on to college. Why are they not going? Part of it is due to finances.

As we all know, the cost of a college education is going through the roof. My husband and I are saving for our two boys, and with one of them approaching his junior year in high school right now, it is a reality check for us as a family as to how we are going to make college a reality for our children. I know across this country families struggle with that.

So there is so much, again, in the Higher Education Access Act that does promote and does allow for benefits to the students. The funding we are talking about in my amendment would expand the borrower benefits currently offered in States such as mine to low-income and to Pell-eligible students in all the States. This is a college access partnership program. And what it would do is give the States the ability to help more of their low-income students attend and to succeed in college. We don't want them to just get the help to get there and then give it up after a year because the finances are hitting them or they do not know where else to turn.

What does this college access partnership grant actually do? What we are attempting to do is provide for that outreach, provide for the education not only to the students but to the families so that they know what is available, they know what the financing options are to them, and they are helped with the financial literacy and with debt management. I don't know how many of you have had to go through a college application recently, but it can be a daunting task. And if you are perhaps from a family who hasn't had an opportunity to do this before, it may be so daunting that you are precluded from doing it.

Financial literacy: We all know that sometimes the language that is contained in the application, just in understanding what it is that you need to do to fill out the application, can be mind numbing. So it provides the information.

The outreach activities: We need to make sure we are reaching out to those students who may be at risk of not enrolling or, again, in not completing their postsecondary education. They need to know what their options are. So we need to go to them, and we need to help them. We have a program in Alaska called the Alaska Advantage Higher Education Financial Aid Program. We try to go out and let the students know what is available and try to help them ahead of time.

This program would also provide for assistance in completion of the Free Application for Federal Student Aid, the FAFSA application. I understand that we are talking about an eight-page application. We have eliminated some of, I guess, the complications, if you will, with that application through the HEA legislation itself, but let's not let the application be a barrier. Let's figure out ways to help the students from the very beginning; professional development for guidance counselors at middle schools and secondary schools, and financial administrators and college admissions counselors at institutions of higher education, to improve their ability to assist the students and the parents. I know from my personal situation that when you have a good guidance counselor who can help you along the way, you are one of the lucky ones. If you are one that is just kind of given the packet and told to go at it, kid, you may or may not feel that you have that support. We want to be able to provide for the support, that professional development to assist the students.

The program would also provide assistance in applying to institutions of higher education, applying for the Federal student financial assistance and other State, local, and private student financial assistance and scholarships. There is so much that is available out there, if you know where to look. And sometimes you just are not quite sure which rocks you need to turn over in order to provide for your finances for college. So this would, again, lay out the options and assist you with that.

It would also provide activities that increase the student's ability to successfully complete the course work required for a postsecondary degree, including activities such as tutoring and mentoring. We need to recognize that access to college is not just about getting in the door. It is gaining the benefits that are afforded you through the college program, through that university program, through the programs that are going to benefit you. So our job is not done just with the successful application. If individuals need that assistance in working through some of the bureaucracy, let's try to help.

Finally, it provides for activities to improve secondary school students' preparedness for postsecondary entrance examinations. These are all things, in different areas, where we can make a difference with students in letting them know what is out there and what is available to them.

Mr. President, as we look to ways that we can truly help with access to higher education, we know we need to help students with the financial end of it, but we also need to provide some assistance with the navigation, and this College Access Partnership Program does just that. Through this amendment, we are providing for additional funding to be included into that program to make it meaningful to all of the 50 States so that they can truly provide that help and assistance.

I would certainly urge my colleagues to support the amendment.

Mr. KENNEDY. Will the Senator yield?

Ms. MURKOWSKI. Yes.

Mr. KENNEDY. I wanted to just thank the Senator for her leadership in this College Access Partnership Program, and I commend her amendment. As she knows, and Senator ENZI understands, we tried to make an estimate in terms of the cost of the total legislation, and we ended up with an excess of $176 million over the 5-year period. And the amendment of the Senator from Alaska will take that money, those resources, and make it available to the States. They will be able to use it with nonprofit organizations to help children have access to college. I commend her for that.

We have tried, as she knows, in this legislation, to deal with some of the financial aspects that have discouraged particularly students who come from working families—middle-income, low-income families—from going on to college. The Senator mentioned the FAFSA application, which currently is a voluminous document, and through the solid good judgment of our friend from Wyoming, who has worked on that and has simplified it in a very important and significant way, so that now the application will not be so great an impediment.

Too often these young people do not have the knowledge, the encouragement, or the awareness of college opportunities, and the Senator's good amendment will make this funding available nationwide—nationwide—so that programs that reach out to children will be available to help them be able to go on to college.

She has spoken eloquently about the challenges that her State faces as a rural State, and we have tried to work with her and will continue to work with her to meet that responsibility. In other areas, we can see, in my own State of Massachusetts, how these resources can help support the nonprofit organizations, such as the Educational Resource Institute, which supports and works with the GEAR-UP programs and the TRIO programs which have been enormously successful in our State.

So this is something that I know the Senator has cared very deeply about,

she has spoken about it in our committee, and we had indicated we wanted to work with her. I can't think of how these resources—and they are not insignificant—but how these resources could be spent more effectively or better. So I thank the Senator, and I hope we will have a chance to address this and vote on this amendment, and I would certainly hope we get a very strong vote.

I thank her for her work, and I think the people in Alaska and in many other States will benefit from this in a very important and significant way.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield myself time. I also want to congratulate the Senator from Alaska. This amendment continues to recognize the unique role that many of our not-for-profit lenders have in providing information and services to students and to their families. They conduct outreach to make college possible and assist in debt management and default prevention. The not-for-profits focus on communities, and they serve students locally, and I am pleased the Senator from Alaska was able to continue to acknowledge the important contribution that those entities make.

I do appreciate the emphasis she placed on how formidable it is to do one of the FAFSA applications. Just as Senator KENNEDY, I also have one of the applications, which we have now reduced to one page on two sides, as opposed to this on two sides. So it would not be quite as formidable, if we are able to pass this bill, as it has been in the past. So I appreciate the emphasis on that and congratulate the Senator from Alaska.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I yield 10 minutes to myself under Senator KENNEDY's time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in strong support of the Higher Education Access Act of 2007, and I want to commend Senator KENNEDY and Senator ENZI for their great leadership on this measure.

This very important legislation, which I helped craft as a member of the Senate Education Committee, makes a substantial Federal investment in need-based grant aid for low-income students and helps middle-class students and families pay down and manage their loan debt. It will be a significant contribution to the overall welfare of American families, and it will be the critical key, I believe, to opportunity in America.

Opportunity in America is a strong and direct function of education. Indeed, education is the engine that moves people forward. This legislation renews our commitment to ensuring that all Americans with the drive and talent to go to college are provided the financial means to do so. We understand how critical that is. A college education has now become increasingly necessary. In the generation of my parents, very few people went to college. It was seen as a special distinction, something that was, in some cases, unique. There was a society and an economy then that could accommodate people who graduated from high school who could then go on, with great dedication, diligence, and the skills they learned, to provide for their families and provide for their retirement.

Today, that has all changed. College is a necessity not only for the Nation in terms of expanding our intellectual capital but for families in order to make their way, in order to provide for a decent living, in order to provide for their children and to provide for their retirement.

College graduates, on average, earn 62 percent more than high school graduates. So college education pays off in the bottom line of American families. And, indeed, over a lifetime, the difference in wages between those with a high school diploma versus those with a bachelor's or higher degree exceeds one million dollars.

What we are seeing now in this society is troubling to me because we all understand the importance of an education. One of the key hallmarks in America is opportunity. We pride ourselves, going all the way back to Horatio Alger, as being a place where anyone with a little pluck and a little education can go a long way.

It turns out that recent research is showing that this opportunity is decreasing. Prior to the 1990s, the correlation between a parents' income and their children's income was approximately 20 percent, which is good because it means if you come from modest circumstances you have an 80-percent chance you will rise above your parents' income to the next level of economic well-being in this country. Now that was before the 1990s. In the 1990s, the number rose to 40 percent. So the difference between your parents' income and your income was getting closer and closer. You weren't rising as far above your parents. Today, economists estimate that 60 percent of a son's income is determined by the level of the income of his father.

So we are no longer a place in which you can far exceed your parents' income with a little pluck and a little education. The way we rectify that is to give more people the chance to obtain a higher education. As I have demonstrated with these statistics, that is the key to economic progress in this country. But it is also the key to social progress and maintaining the fabric of America.

As an individual moves through school, we hope they are not just learning about technical skills and applying that to the economy, but that they are also learning to be a good citizen and learning the values of America, values we hope will one day inspire the whole world in a very positive way.

To reverse this troubling trend, a trend in which opportunity is not as readily available in our society, we have to invest in education. I have the particular privilege of being the successor to Senator Claiborne Pell. He recognized in the 1960s that education was the key. We have named, and rightfully so, the Pell grant after Claiborne Pell. He understood profoundly that if you let Americans with drive and talent go on to college, and provide them with the financial resources to do so, they will do great things, and they will compel this country to do great things.

I would say that a lot of the great breakthroughs which have been translated into today's robust economy stem from the fact that 30 years ago, beginning with my generation, young men and women with drive and talent had a chance to go on to college. There are so many people today who are captains of industry, there are so many people today who have invented new products, who have deployed these products into the commercial realm, and they have done so because they went to college and beyond. In another generation they might have had the talent but would have ended up doing something much less educationally advanced because they didn't have a college education. That is a huge insight and a huge contribution to this country.

This legislation builds on Senator Pell's legacy and takes significant steps toward making college more affordable and ensuring that students with talent go forth and get a college degree. I am particularly pleased that under this legislation Rhode Island students will be eligible for an additional $10 million in need-based grant aid next year, and over $86 million in the next 5 years. That is a tremendous input of additional federal financial resources.

The effect of this bill's investment in need-based grant aid is to increase the maximum grant for Pell-eligible students from $4,310 to $5,100 next year and to $5,400 by the year 2011. That increases the average grant in Rhode Island from $430 in 2008 to $2,870.

I am also pleased, as has been discussed by my colleagues, that this legislation includes provisions from my Financial Aid Form Simplification and Access Act, or FAFSA Act, to significantly increase the number of students automatically eligible for the maximum Pell grant and to reduce the penalty faced by students when they work in order to pay for college.

Specifically, the increase in the Auto-Zero Expected Family Contribution ensures that all students from families with incomes of $30,000 or less will receive a maximum Pell grant. Currently, only families making $20,000 or less automatically qualify for such grants. This provision not only increases the number of low-income students eligible for need-based aid, but also simplifies the financial aid process by providing such students with early

information and assurances of financial aid for college.

Additionally, the income protection allowance protects students who have to work during college so they can earn more without having it count against their financial aid. This legislation doubles the income protection allowance for dependent students from $3,000 to $6,000 over 4 years, and increases the income protection allowance for independent students, including adult learners, veterans, and those students in foster care, by 50 percent over 4 years.

We should reward work, not penalize it. We should recognize that, in today's economy, the price of going to school and of getting to school is going up and up. Many students have to work. As such, these increases will help students and families better afford a college education by stemming the perverse income protection limits that punish students and parents who must work one, two, or more jobs to pay for college.

I am also pleased that the legislation includes provisions to stem the increasing numbers of middle-class families falling further and further into debt to finance a college education. In Rhode Island, 61 percent of students graduating from 4-year institutions in the 2004–2005 school year graduated with debt at an average of over $20,000 per student. The Higher Education Access Act will help students manage their debt by capping student loan payments at 15 percent of a borrower's discretionary income and forgiving all debt on such loans after 25 years.

So as young people emerge from college with this debt, their payments will be capped, and at some point their loans will be discharged. I think that gives real incentives and real help to people coming out of school, middle-class students who had to borrow money to go to school, and now they can go ahead and discharge those payments over many years at a rate they can afford.

It will also provide loan forgiveness for borrowers who continue in public service careers for 10 years. This is an important aspect. There are so many talented people who want to go into teaching or health care professions, but with all this debt they literally cannot afford to. This legislation gives them an opportunity not only to do what they want to do but to serve their community without being penalized because they have to borrow to get through their college education.

It also helps our military members and families by expanding loan deferments for Active-Duty military service. Certainly there is no group of persons today who deserve that kind of consideration more than our military members and their families.

I hope we build on this legislation by promptly taking up the long overdue reauthorization of the Higher Education Act, which passed the Education Committee unanimously last month and includes provisions I authored to simplify the financial aid process and forms; improve the Leveraging Education Assistance Partnership—or LEAP—Program and forge greater state investments in need based grant aid; strengthen college teacher preparation programs; and provide loan forgiveness for librarians.

This is significant legislation. It is important for families in Rhode Island and across the Nation. Let me again commend Senator KENNEDY and Senator ENZI for their excellent work on this bill. I look forward to working with my colleagues to ensure that this legislation becomes law.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). Who yields time?

Mr. BROWN. Madam President, I yield myself 15 minutes from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

Mr. BROWN. I rise today in support of the Higher Education Access Act. This legislation will give millions of students an opportunity to attend college. As Senator REED said, it is helping those students with talent get the opportunity to go to college that, in another generation, prior to the last three decades or so, they simply may not have had. In too many cases, if you look at what has happened to students of working class families, they are not getting those opportunities now that they got a generation ago.

We all know what has happened to the cost of college in the last few years. It has doubled since 1980, rising faster than inflation for 20 consecutive years. College tuition has risen faster than the price of any other consumer item, including health care. In my home State of Ohio, between 1981 and 2007, in a quarter of a century, tuition and fees have increased 231 percent at public universities and 94 percent in 2-year institutions. We know that is because government on the State level is simply not funding, in very many States, public higher education the way they had in the past. Family incomes cannot keep up. The median household income in Ohio increased just 3 percent between 2000 and 2006, whereas tuition during that same period went up 53 percent in 4-year public institutions and 28 percent at 4-year private institutions.

Think about that. Income went up 3 percent for those families, all families—including, obviously, families with students of college age—yet while income went up 3 percent the cost of education went up either by a quarter or a half, depending on what kind of school to which those parents sent their children.

Even after financial aid is taken into account, 42 percent of median family income in my State of Ohio is needed to pay for a year of college in a 4-year public college. A 2006 report by the National Center for Public Policy and Higher Education gave Ohio an F in college affordability. Our students, our families, our economy are feeling the impact.

Think again about what that means to a middle-class family. To so many working families, college tuition has gone up 25, 50 percent over a several-year period, while income has gone up only 2 or 3 or 4 percent for most of the students.

My wife was the first in her family to go to college. She grew up in Ashtabula, OH. She went to Kent State University. It was difficult for her family, but in those days her dad held a union job. Her mother went to work about the time she went to school. Her mother was a home care worker. She didn't make very much money, but she had a decent union job. She had a lower paying job, but with grants and aid and all of that, she was able to go to a State university, as were her three younger siblings, two daughters and a son. So all four of them, the first four in their family to go to college, were able to do that. That was in the 1970s and 1980s. This is a different era where, unfortunately, because of decisions made in the State government and, frankly, because of a stinginess from the Federal Government, it has made it that much harder for students to go to school.

More and more students are going out of State to attend college. Ohio students are. The ones who stay find they can't afford it. This is unacceptable. If we are asking our students to be competitive, we must make the investment in them.

For students lucky enough to make it to college, they are rewarded not only with a degree, we hope, but also saddled with crippling debt. Sixty-six percent of students in Toledo and Dayton and Steubenville and Youngstown, Galion and Gallipolis, 66 percent of students graduating from 4-year institutions in the 2004–2005 school year graduated with debt. Two-thirds of all students graduated with debt. Those students owed an average of $19,259. That affects their future. It affects the job they choose. It affects their ability to marry and have children and what they are able to face with the financial challenges and the debt that they bear from the moment they graduate.

Even worse, the purchasing power of the Pell grant—Senator REID talked about that—the main source of grant income assisting lower income students—has dropped dramatically. Students and parents are finding it harder and harder to figure out a way to finance their education.

Look back at this whole picture. Tuition has gone up 25 percent to 50 percent, depending on whether you go to a private or public college, over the last few years. Wages have gone up 3 or 4 percent. Students who are able to go to college at all and face that get the grants and loans that can get them through their 2- or 4-year institution and end up with a debt—two-thirds of these students end up with a debt on the average of $20,000. Think of what

that does. All this at a time when privately subsidized student lenders such as Sallie Mae are reporting record profits and raking in millions of dollars off the backs of the students.

The Presiding Officer and I and several Members of the freshman class today had a news conference decrying what has happened with the privatization of parts of the military, what has happened with private contractors, the kind of fraud they have committed, how it doesn't save taxpayer dollars, how it doesn't make for a stronger military, how it doesn't mean a more efficient government. What we are seeing, with the leadership of Senator WEBB and Senator MCCASKILL, is the graft and fraud and inefficiency they are exposing in the Pentagon budget and in the private contracting in the Pentagon. We also see that same kind of privatization and the impact it has on Medicare, with the drug companies and the insurance companies rewarded at taxpayer expense. We see it, obviously, in Social Security, where some in this institution want to privatize Social Security. We see it in public education. We are having a big battle this week on No Child Left Behind, in the same committee Senator KENNEDY and Senator ENZI jointly run, the Health, Education, Labor, Pension Committee. We will see that there, with some of the private education efforts on for-profit schools. We have seen it especially in the student loan program where this kind of privatization means fewer dollars are available to go directly to students. Taxpayer dollars are wasted. It is less efficient. It leads in many cases to fraud and graft. It also leads, frankly, to political contributions for those politicians who support these privatization efforts.

You can look at Halliburton, you can look at many of these companies—the drug industry which was rewarded on the Medicare bill with literally $200 billion more because of that bill over a 10-year period than they would have had otherwise. Look at the Medicare bill and private insurance companies, how they were ''enticed'' is the word we use around here; another more direct word might be ''bribed''—but they were enticed to enter the Prescription Drug Program by Government subsidies. Again, the money makes for less efficiency, more waste, more money lining the pockets of individual contributors, whether it is Medicare in a prescription drug benefit or students in a student loan benefit and ultimately more costs for already overburdened taxpayers.

That is why this legislation is so important. It will finally start to trim back as well as stop this privatization of our Government, stop these companies from basically taking money that is public dollars and putting it into their pockets without providing the service they should provide directly to the beneficiaries we have designated.

This legislation will finally start to trim back those bloated subsidies to private lenders and focus those scarce dollars where they are needed most, to our students. It will begin to hold colleges accountable for rising costs and assure that students and parents have the information they need to make informed decisions about what college to attend. It will raise the maximum Pell grant to $5,100 next year, increasing to $5,400 by 2011. The average grant in Ohio will increase $430 next year to $2,850.16.

This Pell grant was stuck, in spite of the President's promises in 2000 in his first Presidential campaign—the Pell grant had been stuck at that level for 5 years. Senator KENNEDY's leadership, Senator REID's leadership early in this session, increased the Pell grant in the continuing resolution back in January. We are increasing it again over the next 3 years.

This bill will help nontraditional and community college students by making them eligible for Pell grants. It will help protect students by reforming a broken student loan system, a far too privatized student loan system that now provides too much in the way of subsidies to private lenders. It will make sure student interests are the motivating factors behind college decisions to recommend lenders. This bill promotes innovative teacher preparation programs so our students are better prepared for college.

This bill doesn't do everything we need. We need to work to keep interest rates down in the totally privatized student loan system, the most rapidly growing part of the student loan system, because prices have gone up so dramatically the Federal programs have not been able to keep up. More students have to turn to totally private loans, and those totally private loans have seen interest rates go as high as 18 percent.

Senator KENNEDY is interested in that legislation. We have introduced separate legislation to do that. That is something we hope to pursue down the line. But this legislation begins to stop the privatization of student loans. This legislation we are voting on, the legislation Senator KENNEDY brought to the floor, will begin to arrest the privatization of this system, where too many people outside of the student and the Government have benefited from the privatization of this system. It is time that taxpayer dollars go directly to students to create the opportunities so they can go to college so they can be productive citizens.

That is what we did 30 years ago, in this institution, before many of us were here. Senator KENNEDY was there. The leadership he showed 30 years ago in making this system work to give opportunity to middle-class kids, to working-class kids, to poor kids—this bill moves in that direction.

All students, regardless of their family, regardless of their privilege, regardless of who their parents are, should be able to afford college.

We still have so much to do. This legislation is a good step in the right direction.

I yield.

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

Mr. BROWN. I would love to yield.

Mr. KENNEDY. Madam President, I thank my friend from Ohio for an excellent statement. He has reminded us when we first, in the early 1960s, had the national debate on whether there should be a Federal responsibility to help students to go on to schools and colleges. We had taken the step with the GI bill. We had taken some steps after Sputnik. But the real, major step had been the GI bill after World War II. We made that judgment in the 1960s.

At the time, we were trying to find out how we were going to get the lending institutions involved. There was a real question about what kind of incentive they had to give to the lending institutions to get them involved, to make sure that the program was going to work.

That is the issue we have been trying to address in this legislation. We have taken some $18 billion out of the lenders and returned it to the students. I think we will hear, probably later in this debate, that might be too much. We will come back and demonstrate that, even the Sallie Maes and the others are indicating even with this cut that they are expecting the profits in the years 2012 and 2013 to be in excess of $2 billion.

As the Senator points out, we know even with these Government programs there is still a ways to go. We are making a downpayment, but I want to give assurances to the Senator from Ohio because he has been so concerned, this is a continuing, ongoing commitment certainly on my part.

The part I want to particularly mention is that we have seen this real explosion in terms of the borrowing in the private sector at these extraordinary rates. We are attempting, with the Banking Committee, to try to work that out, so that is going to be consistent with what we are trying to do, and that is to make sure that, for middle-income families and working families, they are going to get the lowest possible costs.

I commend the Senator. I happen to believe we ought to do that through an auction system. I stated that, expressed it. The Senator from New Hampshire has. We have a very modest provision—up to 20 percent of the funding in this will be subject to the auction process. We are doing a trial program with this. I think it will be very successful. But I think he would agree that we auction off bombs for the Federal Government every day—week, evidently. We auction off oil and gas leases. We auction off all kinds of different things.

I would think in the long run, to make it available to the greatest numbers of students at the lowest possible costs, we ought to do it in the old-fashioned way of competition. We are not there yet, but I would be interested, if he is interested, in continuing to work

on this whole area as we move along. This is a reauthorization that we plan to get, but I think there is a lot we can do in these next few years to continue to work on this.

Mr. BROWN. I thank Chairman KENNEDY for his leadership. It is clear to me, as it obviously is to him, that we made tremendous progress in this legislation, with putting dollars that have gone into the excess profits of a relatively small number of companies—putting those dollars either back in taxpayers' pockets or giving it directly to students through this loan program. There is more work to do, and I appreciate his interest in doing that.

I yield my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I see my friend and colleague from New Jersey on his feet. I will yield him time.

I ask unanimous consent that during today's session, when the Senate considers the amendment offered by Senator MURKOWSKI and an amendment offered by Senator KENNEDY; that they be debated concurrently for as much time as they might consume; that no amendments be in order on either amendment prior to a vote in relation to the amendment; that on Thursday, July 19, the Senate resume consideration of these amendments at 12 noon and there be 2 minutes of debate prior to a vote in relation to each amendment under this agreement; that the Murkowski amendment be the first vote in the sequence; that all debate time prior to the votes be equally divided and controlled in the usual form; that when the Senate resumes consideration of the bill on Thursday, there be 10 hours of debate remaining equally divided and controlled.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I withhold that.

The PRESIDING OFFICER. The request is withheld.

Mr. KENNEDY. Madam President, I yield such time as the Senator from New Jersey should use on the bill.

I wished to thank the Senator from New Jersey. We had been meeting earlier in the afternoon with a Hispanic task force. Their priorities were the areas of education, early education, No Child Left Behind, access in terms of higher education.

Senator MENENDEZ and Senator SALAZAR were leaders with that group. I am always moved by the Senator from New Jersey's own story, about the importance of these Pell grants and the importance of loans, his own life experience as well as those of his friends.

I hope he will at least share some of that with us this afternoon. It is an inspiring story. If there is any reason for the efforts we are making this afternoon, the Senator from New Jersey is an excellent example.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Let me thank my distinguished colleague and the chairman of the committee from Massachusetts for his kind words. Above all, I wish to commend him for his incredible leadership, for standing up for the Nation's students, and for putting forth a bill that will make a tremendous difference for students across the Nation who are struggling to afford college.

I know in an era in which we lament the lack of bipartisanship, I also wish to commend the ranking Republican on the committee, Senator ENZI. I was privileged to be sitting in the chair when he was talking about this bill. I appreciate very much the same spirit he brings to this legislation, the leadership he has also shown working with Senator KENNEDY to make the legislation that has come to the floor that I think should receive the very broad support of the Senate.

Certainly, I wish to rise in strong support of the Higher Education Access Act, which takes some critical steps to making higher education more accessible and more affordable for our Nation's young people. In a world that has been transformed by technology, in which the boundaries of mankind have largely been erased in the pursuit of human capital, for the creation of a product and the delivery of a service, so that an engineer's report that is created in India and transmitted back to the United States for a fraction of the cost or a radiologist's report may have been done in Pakistan and read by your doctor in your local hospital or if you have a problem with your credit card, as I recently did, you end up with a call center in South Africa.

Well, in the pursuit of human capital, we are globally challenged. So for America to continue to be the global economic leader, it needs to be at the apex of the curve of intellect. That means the most highly educated generation of Americans the Nation has ever known. Of course, to achieve that, there must be both access and affordability for this next generation of Americans to be able to be the scientists, the engineers, the mathematicians who can fuel our competitiveness in the world.

This bill, in my mind, in addition to providing educational opportunities, is about meeting the Nation's challenge in this global competitive marketplace we are in.

The bill begins to right the imbalance that has plagued student financial aid. For far too long, students struggling to afford college have seen their grants shrink, their loan rates go up, their debt explode—their debt explode.

This bill turns that trend around, by increasing grant aid for the neediest students and making a $17 billion investment in student aid, the largest since the passage of the GI bill.

We all know that education is the key—the key—that unlocks social mobility and economic empowerment and opportunity in this country. I know that, as Senator KENNEDY suggested, from my own personal experience. I have said before, that as someone who is the first in his family to go to college, the reality is, but for the power of the Federal Government's financial assistance, without Pell grants, one of the programs we are talking about today, I certainly would not have been able to afford college or go to law school, nor would I have had access to opportunities that my college education afforded me, and I certainly would not be here today as the junior Senator from New Jersey, without that educational foundation and opportunity.

I am not alone. Millions of young people across this Nation have dreams of earning a college degree, of having access to that key that unlocks their own economic empowerment of fulfilling their God-given potential.

Some dream of building a successful career or going on to graduate education or, as in my case, to be first in their family to graduate from college. The power of those dreams is why our students and their families are making sacrifices to meet the high cost of college, why they are scraping together what they can to finance education that will let them fulfill their dreams.

That reality is becoming harder and harder in terms of achieving that goal. Every year, nearly half of all college students, college-ready students, and families with incomes under $50,000 cannot go to a 4-year college, not because they do not have the ability, not because they did not gain admission but because the cost is too much of a barrier.

Despite current aid, grants and money that students earn working, many students face a growing gap between the aid they receive and the cost of college. As a matter of fact, lowest income students at a 4-year college face almost a $6,000 gap in unmet needs.

I worked when I was going through college. I understand those challenges. You are getting financial aid, you are working, and still you have an unmet gap. That means debt. That means debt. The lowest income students at 4-year colleges face roughly $5,800 in unmet needs after a standard financial aid package, after their loans, and after the amount their families contribute. The fact is that for the neediest students, current aid is simply not enough. The fact is students have been squeezed on two ends, one by declining Federal aid that has sent students the message they are on their own; and, two, by having to rely increasingly on student loans, which in essence, is debt.

We are supposed to provide a needed boost to students but instead have left them with deals that are not in their best interests. I am proud of this bill because it will put money where it is needed most, Pell grants and other critical financial assistance that benefits our Nation's students with the most need.

Instead of another empty promise to increase Pell grants—we have heard

plenty of those—this bill will increase the maximum Pell grant to $5,100 next year, and beyond that, climbing to $5,400. There simply is no excuse for the fact that Pell grants have not increased by even $1 over the last 5 years.

Tell any family that is trying to have their child fulfill their dream. We have seen tuition rates go up. We are seeing costs again go up. But we have seen the Pell rate stagnant. That means, in terms of buying power, that has even meant far less.

With this bill, we are ending the neglect of our Nation's neediest students. We also will expand who is automatically eligible for a Pell grant. Currently, a student is eligible for Pell grants if their family makes $20,000 per year. This bill increases the annual income limit to $30,000, so more students can be eligible to benefit from Pell grants.

That is the reality of having so many of our families be able to at least get some assistance in this respect. This bill works to protect students working hard to stay in college by doubling the amount a student can earn but remain eligible for aid from $3,000 to $6,000. This bill ensures a student will not lose their financial aid from simply working to make extra money.

Let me tell you, when I went to college back in New Jersey at St. Peters College, for the first month I did not have the money to get to St. Peters College, which was in a neighboring community from where I lived but a good several miles away.

For that first month, until I entered the work study program and started to earn money for transportation, I walked. Now, I was a lot leaner as a result of it, a lot thinner as a result of it. But the bottom line is that as a result of working, I was able to get the transportation funds I needed.

But when we, in fact, say to a student: We want to reward work and we want them also to have the sense that when they work there is a benefit, not a punishment, in fact, that has worked to the contrary. So Senator KENNEDY and the committee have done something that is exceptional. As someone who had to work in order to get to school, this actually incentivizes the opportunity to do so but does not penalize them.

This bill also helps students who are struggling to pay back their Federal loans by capping the amount they will pay at 15 percent of their income. This helps ensure they are not paying back more than they can afford. One of our challenges is that our students graduate under a mountain of debt. Then, as they try to fulfill their hopes and dreams, they are squeezed even more in terms of the repayment process. This is a critical step toward ensuring that loan repayments are affordable and not overly burdensome for some recent graduates.

I also am extremely pleased this bill builds on a proposal I have supported for a long time from my days in the House of Representatives, expanding loan forgiveness for those who are working in jobs that serve the public.

By providing some of the our most needed public servants, our teachers, police officers, early educators, social workers, school librarians the chance to have their loans forgiven after they have been working hard to pay off those loans, we are sending a powerful message.

We have a whole new generation of teachers we are going to need in this country. We have an explosion, a bubble that is about to burst of those who are, in fact, going to be in the retirement age and will be retiring.

As I said earlier, in this global challenge, education is the key to being the continuing global leader in competitiveness; having the most highly educated generation of Americans ever. That means having the firm foundation to ultimately be able to achieve higher education. That means having a cadre of educators who are among the most highly skilled and educated professionals we have ever had.

This incentivizes people to head in that direction. We are sending a powerful message. We are saying: If you are willing to serve the public, we will give back. If you make sacrifices in your daily job, we appreciate that sacrifice, and we want to lessen the financial burden. We will help ensure that today's students do not shy away from a career in public service simply because they think they cannot afford it.

I am proud of the direction this legislation takes. This bill is sensible. It is reasonable. It is fair. It makes our priorities clear. Instead of subsidizing lenders, we should be putting every last dollar possible into the pockets of students.

In addition, we are providing $17 billion in new aid to students without charging taxpayers a dime. In this bill, we are actually also putting nearly $1 billion toward deficit reduction. As a member of the Senate Budget Committee, I am pleased to see this bill recognizes the responsibilities we have, not just to our students but to future generations who do not deserve to be saddled with the Nation's rising debt.

I look forward to, as a member of the Senate Banking Committee, working with our chairman, Senator DODD, to deal with these issues in this bill. In my mind, this is integral to making higher education more accessible, more affordable for this next generation. It is a step forward to ensuring the student loan system works for students and their families; that is who it is supposed to work for, for students and their families.

It is a key to preserving the integrity of our Nation's higher education system. It is a key to having a continuing ability to be the global economic leader. It is the key to fulfilling the American dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield myself such time as I use on the bill.

I wish to thank the Senator from New Jersey for his excellent presentation, particularly for his pointing out a number of features of this legislation, one of which is that we increase the opportunity for young people who are going to school and college who are out there working, we permit them to be able to earn some more without losing their need-based help and assistance in terms of education. That is an extremely important one.

As the Senator was pointing out, we are in a situation where a number of those individuals would go out and work and work hard and be able to get additional income and then risk their need-based assistance.

Secondly, the expansion for the eligibility for the Pell grants, which is enormously important. We have been attempting to do that for a number of years. That will open up the opportunity to more than 4 million children who are in Pell grant eligibility now. That is going to open up additional opportunity. This is incredibly important. I thank the Senator.

Madam President, I ask unanimous consent that during today's session, when the Senate considers the amendment offered by Senator MURKOWSKI and an amendment offered by Senator KENNEDY, they be debated concurrently for as much time as they might consume; that no amendments be in order on either amendment prior to a vote in relation to the amendment; that on Thursday, July 19, the Senate resume consideration of these amendments at 12 noon and there be 2 minutes of debate prior to a vote in relation to each amendment under this agreement; that the Murkowski amendment be the first vote in the sequence; that all debate time prior to the votes be equally divided and controlled in the usual form; that when the Senate resumes consideration of the bill on Thursday, there be 10 hours of debate remaining, equally divided and controlled.

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

Mr. KENNEDY. Madam President, leadership has instructed me to say there will be no further rollcall votes in light of the agreement.

AMENDMENT NO. 2330 TO AMENDMENT NO. 2327

Madam President, I call up my amendment that I believe is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2330 to amendment No. 2327.

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

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

The amendment is as follows:

(Purpose: To amend the amounts appropriated for Promise Grants for fiscal years 2014 through 2017)

Strike subparagraph (G) of section 401B(e)(1) of the Higher Education Act of 1965, as added by section 102(a) of the Higher Education Access Act of 2007, and insert the following:

''(G) $3,650,000,000 for fiscal year 2014;

''(H) $3,850,000,000 for fiscal year 2015;

''(I) $4,175,000,000 for fiscal year 2016; and

''(J) $4,180,000,000 for fiscal year 2017.

Mr. KENNEDY. Madam President, we have done a lot in this bill. We provide $14 billion in additional grants to students, $3 billion in debt relief, for a total of $17 billion in college aid to students. This will open wider the doors of college for America's neediest families and provide benefits for all students.

We have raised the maximum grant for Pell-eligible students to $5,100 next year and $5,400 in 2011. But we need not stop there. We should allocate all available funds to continue adding to the need-based aid beyond the increases we make in the next 5 years, and this amendment will allow us to do that.

It allocates billions of additional dollars to extend the maximum need-based grants between 2014 and 2017, continuing our promise to help millions of needy students to pay for college. This is, I believe, a very welcome reversal from the last 5 years, when the administration basically broke its promise to increase the Pell grant year after year.

Now that policy has changed and shifted. We know what the stakes are when students are not able to afford college. Each year, over 400,000 talented, qualified students do not attend a 4-year college. Twenty years ago, the maximum Pell grant covered 55 percent of a 4-year college and today it only covers a third.

This amendment will continue what I consider the march of progress in terms of the outyears. We are addressing the first 5 years in the bill, but obviously these programs will last beyond that. We have demonstrated that this bill saves billions of dollars, and those resources will be devoted toward helping students, and that is enormously worthwhile.

Madam President, I yield time off the bill. The Senator from New Jersey was talking about the importance of the Pell program and the student loan program and how important this is in terms of our competitiveness. It is worthwhile to point out that as I mentioned, spending under the GI bill, over a 6-year period, represented a third of the total Federal budget for 1951. That gives us some dimension of the priority this country places on education. The GI Bill was responsible, more than any other action, for helping create the great middle class of our country which has been such a pillar of strength for our democracy, for our economic strength, and for our military strength as well.

The GI bill, during that period of time, produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It also funded the education of three Presidents, three Supreme Court Justices, and a dozen Senators who served in this very Chamber. Pretty good investment for this Nation, and it is the kind of investment we ought to continue for the young people of this country.

I wish to review one of the very important aspects of this legislation. I again commend our colleagues. This was a bipartisan effort. I wish to indicate again one of the very compelling aspects of this legislation is not only the historic increase in the need-based grant aid, but it is the loan forgiveness for borrowers in public service jobs.

I will give a few examples. What do we mean by loan forgiveness? We indicated the types of jobs that would be eligible for this program. I will put that chart up in a minute. But certainly a public school teacher is a good example. This is the average salary for a starting teacher in my State—$35,000. The average loan debt is $18,000. This is about the national average. Monthly payments today would be $209 and the loan payment relief under this bill would be some $61 each month. The yearly student loan payment relief under the new income-based repayment plan, the annual relief they would receive would be $732. That is not insignificant. If they remain a teacher for 10 years, they save $10,000 of their $18,000 debt, effectively the remainder of their debt is forgiven; $10,000 forgiven. Not insignificant.

Let me point out what jobs are included in this public service loan forgiveness program. Obviously, emergency management, public safety, public law enforcement, public education, early childhood education, childcare, public health and social work in public service agencies, public services for individuals with disabilities and the elderly, public interest legal services, public defenders, school librarians, school-based service providers, teaching full time at a tribal college or university. All of those—and that is not exclusive, it is inclusive.

Let me show what this would be in another State. This is a social worker in North Carolina with one child with an annual salary of $37,000; loan debt, $16,000. They would save some $500 a year in what they would be obligated to pay, and if they did this for 10 years, $7,300 would be forgiven. That gives us an idea of what happens with a teacher and what would happen with a social worker.

Let's look at how this bill will help a public school teacher in Iowa whose annual salary is $27,000. They would save a yearly payment of some $1,300. After 10 years, they would have $16,000 forgiven. This gives us a pretty good idea of what this program does. In this case, that is almost half their total debt forgiven, and they have seen a reduction in both their monthly and annual payments. This makes a big difference—a few hundred dollars here and a few hundred dollars there—it makes an enormous difference.

Now this past year, tuition and fees increased just 4 percent at four-year public colleges in Massachusetts—up just a couple hundred dollars. We have UMass Boston in our public university system, and about 60 percent of the students there are first-generation individuals. It is an extraordinary place and getting better and stronger. Needless to say, tuition has gone up a good deal there and at colleges across the nation in recent years. This can be devastating to low-income students, and especially to first-generation college students. In the UMass system, tuition and fees increased nearly 40 percent from 1996 to 2006. We know that a few hundred dollars makes a key difference. It makes an extraordinary difference for these young people, when they are making a judgment whether to go to school and whether they are willing to take on the indebtedness. The idea that they know when they get out of school they will be able to go into these public service types of jobs and will be able to get relief is extraordinary.

One of the incredible phenomenons taking place at universities and colleges today is volunteerism. The number who are volunteering at schools and colleges all over our country is enormously impressive. This is incredibly encouraging.

There is a great willingness and desire to be a part of trying to meet some of the Nation's challenges. So many of those opportunities involve some aspects of involvement in public employment. This legislation gives young people a real opportunity, even if they come from homes with limited resources, that they can attend a fine college, and then they can go on to one of these public service jobs and make a real difference in their community, in part because they get assistance in this legislation in terms of debt relief. That is what is included in this legislation.

There is a very significant expansion of the Pell grant, a very important innovative and I think creative concept in loan forgiveness for those who are going to give something back to the country because of what the country has done for them. It provides important relief for their families in interest payments, the expansion, in terms of young people who are working, to permit them to earn a little more without losing their need-based assistance and the recognition that we ought to expand that opportunity for families with children.

Thirty thousand dollars, that sounds like a lot, but we are looking at those individuals and families who are earning that amount. That is a pretty hard-working family, needless to say, and they have children who want to be a part of the whole American dream and contribute to this country. They understand the importance of their continued education.

This gives a pretty good idea about where we are on some of these programs. It is important we understand these programs.

For those who are interested, we are still trying to work out a consent agreement so we can consider the authorization as well. Senator ENZI and I have been communicating through the course of the day with our leadership and other members. We certainly hope that by tomorrow we have some recommendations. Both of us understand the importance of doing this. It has been mentioned over the course of the day the extraordinarily important ethical issues with the student loan industry, as well as other significant provisions, included in that reauthorization legislation. The ethical issues is an important aspect of the bill, and we should address that aspect and our reauthorization does that.

The simplification of the application for federal aid is a key aspect in terms of accessibility to college. That is a key element.

There are some other provisions that have been added by members of the committee that have been described. This is a very important reauthorization.

There is strong bipartisan support for the legislation. It is important we pass it. We urge our colleagues to work with us to see that this is done at the earliest possible time.

My colleague from Connecticut, Senator DODD, I know is on his way over here. We have had a good number of our colleagues who have spoken on this legislation. Many on our committee have spoken. We are very grateful to all of the members of the committee, as I mentioned earlier, for their involvement and assistance.

Senator REED worked very closely with Senator ENZI on what we call EZ FAFSA, the application for student aid, and that is enormously important. He has spoken today. Many on our committee members have talked about this legislation, and we are grateful for all of their efforts.

We have solid legislation. We are not looking for additional amendments. But if that is the desire of our Members, we hope they will communicate that to us as quickly as possible.

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

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

Mr. ENZI. Madam President, I again thank the Senator from Massachusetts, Mr. KENNEDY, for his diligent work on this bill and for his outstanding explanation of what is in the bill and ways it can positively affect kids across the Nation.

Our goal with this bill and the Higher Education Act that we hope to have follow immediately is to make sure there is affordable access for everybody who wants to go to college. Even affordable access for those who have other educational goals following high school, who have some other occupations they want to pursue that requires specialized schools, this bill will help in all of those aspects.

For those who may think some of these goals are unachievable, I wish to share briefly an experience I had last weekend because I was fortunate to have an opportunity to be a part of the Western Governors University commencement. It was a very memorable day and brought back memories of my own graduation and other graduation ceremonies I have been a part of over the years. This one will stick in my mind for a long time to come because what makes the Western Governors University such a unique institution of higher learning can be reflected in the eyes of those who were graduated.

The Western Governors University is a school without boundaries. It is a nonprofit school. It was founded and supported by 19 State governments. This is the only time the Governors of several States have joined together to create a university.

It is also supported by more than 20 leading U.S. corporations and foundations. This may be important. It is self-sufficient. Of course, it is only self-sufficient because of some of the provisions we are providing so kids have the opportunity to attend. I keep referring to ''kids.'' But with this one, I should not be referring to ''kids'' because the average age of their students is 38.

I mention this to encourage everybody that if they want some other job opportunities, there are possibilities. This is one of the possibilities for a person to get some additional education and be covered by what we have in this bill.

Western Governors University offers a competency-based, regionally accredited college program that is open to just about everybody. That means a student who proves his or her knowledge in a certain subject area does not have to put in seat time to relearn something they already know. Their knowledge of a subject is measured through a series of assessments when they start, and that allows the university to individualize each course and tailor each degree to meet the needs of that particular student.

The courses are all online. There are no classrooms. It can be taken at the student's own convenience and speed. That is why I am mentioning this university. Everybody does not have access, particularly in the rural areas of this country, to a university. But online, they have access to this and other institutions.

Tuition is $5,600 a year, and Federal education aid and private scholarships are available. There are 20 corporations that provide quite a few scholarships in addition to that Federal education aid. That makes a degree from Western Governors University one of the most reasonable college educations you can get, especially when you studying while holding down a job. In that situation, your room and board is probably your home.

When a student is accepted by the university, they are assigned an instructor, a mentor, a counselor who will work with them and help them make their way through the studies. That individual stays with them the whole time they are in the university and keeps in touch for a year beyond their graduation to help with placement and problems they may experience.

The course is designed so that those who have other obligations in their life—children, a job or other responsibilities that make a traditional education impossible—can still get their undergraduate or master's degree while keeping true to their day-to-day obligations and responsibilities. A lot of people have to hold down a job in order to feed their family, yet would like to be able to improve their situation. This college makes that possible.

When their studies are completed, their tests have been taken and the degrees have been earned, the whole university comes together to honor the graduating class. That is the ceremony I was a part of and a day I will not forget. The university student body is quite diverse. The campus stretches through all 50 States on the Internet. In addition, the fact that the university serves Active-Duty military personnel overseas stretches this university without boundaries all around the world.

The students I visited with on graduation day came from cities, suburbs, and rural areas. The average age is 40, but they range from the twenties to the sixties. The university makes it clear that you are never too old to pursue a degree or return to college to get additional education to get a better job or begin a new career.

In November 2000, Western Governors University graduated its first student. It is a new university. Since then, the university has grown and attracted more and more students to its programs. Now, a few years after the first graduate earned a degree, WGU graduates more than 400 students each year in a growing number of degree programs.

The school keeps in touch with its graduates to check on how the degrees they have earned have helped to improve their lives. They also have a very active alumni association that helps former students to continue to achieve and set new goals in their careers and pick up additional courses.

At each graduation ceremony I have attended, I have always found that what makes each school unique is its student body. Western Governors University was no exception to the rule. I was greatly interested in the remarks that were offered by four students who spoke at the graduation representing their class.

I mention these again to emphasize there is a way in the United States to get higher education no matter what your circumstances.

One of them wanted to be a teacher. It was a dream the university made possible because their flexibility made her course schedule fit into her life schedule. She already had a son and a job, and she spoke about her work with the teaching program. She had to do student teaching, just like everybody does, and one day she told one of the students in her class how smart he was. He beamed and said, ''You know, I wasn't smart until you came.'' That is what sold her on a teaching career. She could see in his eyes he had come to believe in himself because someone else believed in him. She spoke of the importance of using your gifts and talents to encourage others to be the best they can be.

When it comes down to it, that is the sum of what an education is all about, learning to reach out to others so we use all our gifts and talents to make this a better world. Under this bill, there is the capability, if you are dedicating yourself in these areas, to take advantage of some special benefits that are available.

Another graduate spoke with pride at how hard he worked to earn his degree and how every moment had been worth it. He too had a family. He mentioned the logic of an online university having a football team and suggested that would truly be fantasy football. For him, one of the most important parts of the experience had been the mentors who worked with him, supported him, and shared his joy when he earned his degree. He was certain his degree would open doors for him and change his life. He was looking forward to getting involved in the alumni program so everyone in his class, and others, could keep in touch and follow each other's successes.

At traditional universities, that is an even more important part of college life, keeping in touch and following each other's successes.

Another speaker told of the difficulties we all face, and said, ''Don't ever tell me you don't have time in your life or that it is too tough.'' Her philosophy reminded me of a favorite motto of my own family—TGAPA which stands for Trust in God and Push Ahead because that is exactly what she has done. Despite the problems she has had to face, which was the loss of two of her children and a husband who was facing several health problems, she forged ahead, worked at her own pace, and earned her degree.

Another speaker who had a message to share was Ngozika Ughanze from Texas—originally from Nigeria—who was one of 10 children. Her father was very concerned about his children and the importance of their schooling so he sent all 10 to school to learn English. It started her on the road to higher education that she has continued to follow all her life. In her words, ''The more I learn, the more I want to learn.'' She left Nigeria with her husband in 1997 because they wanted to get their own piece of the cake. She said, ''I believe if you work hard, then you are able to live here.''

The problem for her, as it was and is for so many, was finding the time to get it done. The only way she could make any progress was to cut things out of her schedule. That meant giving up some of her favorite things, such as television and shopping. It wasn't going to be easy to pursue a college education because of her obligations to her family—she has seven children—but she made it happen. She made it happen despite having to relocate four times because of Hurricane Katrina. She made it happen despite missing some deadlines, which meant she had to work harder to catch up, again because of Hurricane Katrina and Hurricane Rita, which also got involved in it. She made it happen because she refused to accept any other outcome.

She used her family time to study with her children. She enjoyed getting them involved almost as much as her children loved being a part of their mommy's project. As she received her degree, three of her own children are attending college and one day will receive their own degrees.

There were nearly 90 graduates in the hall, representing 29 States, but the ones watching online and getting their diploma online represent 42 States and 2 countries and ranged from 22 to 63 in age. A remarkable group of men and women. Although I have only noted the dreams of a few, each of them had their own story to tell about their degree, how they earned it, what they planned to do with it, and how they hoped to use what they learned to make the world a better place.

I was very pleased to be a part of that ceremony that honored such a spirited group for having laid the groundwork for a great life. They are all to be congratulated for earning their degrees and for making another of their life's dreams come true. That is what we want for the people of the United States, regardless of age. It doesn't matter whether you are 22 or 18 or 63 or 94. I got to see a diploma given to a man this spring who was 94 and who was pleased to finally get his degree. That is possible in America, and this bill helps to make that dream a reality in conjunction with the hard work of the students.

It isn't easy, and it is even more difficult if you are in situations where you have a family, you have a job, and you have to maintain those to maintain your family. So we are doing what is possible to make that burden as easy as possible, and we hope we will have a lot of support. We would encourage people who have amendments to get those down here so we can complete this in a timely manner so we can do the other 80 percent of higher education that also needs to be done and that we have been hoping to get done since last year.

So our work is cut out for us, but from these examples, you can see the people out there are worth working for. We owe it to them. We have the chance to do this, so let us do it now.

I yield the floor.

MORNING BUSINESS

Mr. KENNEDY. Madam President, I ask unanimous consent 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.

TRIBUTE TO TAD DUNBAR

Mr. REID. Madam President, I rise today to honor Tad Dunbar, a Northern Nevada institution. Tad has been a part of the newscast for KOLO–TV for over 35 years, and has been involved in broadcasting for over 48 years.

At the age of 15, Tad began his media career as a disc jockey for a radio station in Palestine, TX. He has been a broadcaster ever since, honing his journalistic skills even as a high school and college student. His work attracted attention from broadcasters in Abilene, TX, where he landed his first job. Before he came to Nevada, he worked as a newscaster in Midland, Laredo, and Corpus Christi.

In September of 1969, Tad moved to Reno and became an anchorman for News Channel 8. For almost four decades, he has been a fixture on televisions throughout northern Nevada. Tad is a man of numerous talents, and has tackled the roles of assignment editor, photographer, film editor, writer, and producer. During his time at Channel 8, Tad has covered stories that captured the hearts and minds of all Nevadans, including the Kennedy assassination and the Priscilla Ford trial.

He recounts one of the most memorable moments of his tenure as when the News Channel 8 studio ignited in flame a few years ago in the middle of his newscast. When asked about it later, KOLO station manager Matt James joked that ''that was probably one of the few newscasts [Tad] didn't get to finish.''

In addition to his daily duties as an anchorman, Tad has deeply involved himself in philanthropy throughout the years. He serves on advisory boards for several nonprofit organizations, and has played an integral role in ''Sheepdip,'' an organization that raises money for scholarships at the University of Nevada. In addition, Tad is a devoted family man. He is married to his wonderful wife Minda, with whom he loves to cook and enjoy fine wine.

Tad is leaving KOLO-TV at the end of July. His unique journalistic style and his affable personality will be greatly missed. I know I join with the entire northern Nevada community in wishing Tad the best on well-earned retirement.

HONORING THE LIFE OF JOHN B. GAINES

Mr. MCCONNELL. Madam President, I rise today to honor the life of a distinguished Kentuckian, Mr. John B. Gaines, president of the Bowling Green Daily News. He passed away last week at the age of 92.

John came by his passion for reporting news and connecting with the community quite honestly. He was born and raised in a newspaper family his grandfather founded the Daily News, and his father ran the newspaper until his passing in 1947 and for half a century, John served as the paper's publisher. When in Bowling Green, I always appreciated the opportunity to sit down for a conversation with John.

I will miss John and wish to extend my heartfelt sympathy to the entire Gaines family—John Pipes Gaines and his wife Susan Leonard Gaines, Mollie Gaines Smith and her husband, S. Russell Smith, Jr., Mary Gaines Dunham and her husband, David Lee Dunham; and grandsons, John Scott Gaines, Stephen Wilson Gaines, S. Russell Smith III and John Brooken Smith and his wife, Katie. While the Bowling Green community has lost a prominent voice, John's legacy will continue. The newspaper is in good hands under the leadership of his son, Pipes, and his grandsons working there.

The paper he so loved and dedicated his life to paid tribute to him on Sunday with an article titled ''Daily News president dies at 92.'' I ask unanimous consent that the full article be printed in the RECORD, and that the entire Senate join me in honoring the life of this beloved Kentuckian.

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

[From the Bowling Green Daily News, July 15, 2007]

DAILY NEWS PRESIDENT DIES AT 92

(By Alicia Carmichael)

Daily News president and avid fisherman John B. Gaines always told his childhood friend John Clagett ''he was going to live until he got pulled under by a big fish at the age of 90,'' Clagett said Saturday.

On Friday at The Medical Center, 92-year-old Gaines died quietly, surrounded by family, after a short illness.

''The big fish got him,'' Clagett said sadly Saturday from his home in Middleberry, VT.

Still, according to many of those who knew him well, Gaines lived life to the fullest until his last days.

''He had much difficulty getting around, walking, but he came to church most every Sunday'' at Christ Episcopal Church, said John Grider, who through the years did bookkeeping, accounting and tax work for Gaines and served with Gaines on the board of directors at Citizens National Bank.

Ewing Hines, who worked for Gaines for 40 years as a Daily News accountant, said Gaines was still talking about fishing on Friday.

''I called down at the hospital,'' Hines said. ''(His son) Pipes took the phone, and I heard him say in the background, 'Tell him it's a good day to flyfish.' And I thought he was getting better.''

Now Hines can't believe his ''best friend'' is gone.

''This hurts me about as much as anything that has happened,'' he said. ''He always had time to talk to me. He was a great person.''

Michael G. Catlett, who was Gaines' financial consultant and friend, said Gaines ''was a man who showed you personal attention. He acted like he really cared for you when he was talking to you.''

Gaines and Catlett often took walks through Bowling Green, before walking became difficult for Gaines.

''I used to tell him, 'I enjoy our walks downtown because it elevates my status in the community,' '' Catlett said. ''He laughed about that.''

With Gaines' passing, Catlett said, Bowling Green has lost a ''treasure . . . a great man of integrity, manners and respect.''

Don Stringer, the former longtime managing editor at the Daily News, also talked about Gaines' integrity.

''He always stood behind us'' in the newsroom, Stringer said, ''and he had no compunction, when we were right, about saying, 'That's what we're going to do.'''

With ''a wonderful dry sense of humor,'' Stringer said, Gaines took the newspaper business's ups and downs in stride.

Daily News general manager Mark Van Patten said many often overlooked Gaines' vivid wit because of his usually serious demeanor.

But that demeanor came from his love for the newspaper, which was started by his grandfather, also named John Gaines, in 1882. The younger John Gaines, a graduate of the University of Alabama, took over the running the Daily News after his dad, Clarence M. Gaines, died in 1947. For half a century, he was the paper's publisher.

''He really loved the newspaper and loved this community,'' Van Patten said, ''and that was always foremost in decisions he made.'' Van Patten added he has ''never worked for a publisher that had stronger ethics than Mr. Gaines,'' who ''just loved newspaper and journalism and the business of newspapers in general.''

Less than two weeks before he died, Gaines was in his Daily News office, as he was nearly every work day when he wasn't ill—or, in his later years, spending 6 weeks each winter in Florida.

''I could not believe it,'' Grider said of Gaines' devotion to his work at a time of life when most have been retired for decades.

Gaines' mind was kept sharp because of his work, Grider thinks.

''We had a lot of nice discussions,'' Grider said, ''and for his age, his mental capacity was remarkable.''

Gregg K. Jones, who is co-publisher of The Greeneville Sun in Tennessee, president of Jones Media Inc., past chairman of the Newspaper Association of America—the largest newspaper trade association in the United States—and a former president of the Southern Newspaper Publishers Association, said Gaines was planning, as recently as two weeks ago, to attend this year's SNPA meeting in West Virginia.

For two terms, Gaines was director of the association. He also served as president of the Kentucky Press Association, as his grandfather had once done, in 1962, and was the 1980 recipient of the Edwards M. Templin Memorial Award, which was presented by the Lexington Herald-Leader to the Kentucky newspaper person who performed the most outstanding community service.

''He was revered in the Southern Newspaper Publishers Association,'' Jones said, ''and people were always excited to see him there, not only to hear what he had to say, but so they could learn from him.''

Jones, whose family has owned The Greeneville Sun for generations, said Gaines was as passionate about his family's ownership of the Daily News as he was about the newspaper industry in general.

''He didn't like the idea of newspapers being owned by impersonal public companies,'' Jones said. ''He cared so much about his community. He made that very clear, and that's something our families shared. We've always placed a very high value on the bond between a newspaper and the community it serves.''

Gaines especially loved helping small business people grow their businesses, Jones said.

''He considered his relationships with his advertisers and readers to be partnerships,'' Jones said. ''So many people in Bowling Green have built their businesses through (the) newspaper in Bowling Green. He loved that and seeing people succeed, and seeing Bowling Green progress.''

''At the same time, John was a fiercely independent guy,'' Jones said—a newsman who at one time was a member of the Calendar Club literary group in Bowling Green, a former member of the Bowling Green Noon Rotary Club, a member of the Society of Professional Journalists and a charter member of the Bowling Green-Warren County Jaycees.

Gaines was also chairman of the boards of News Publishing LLC, which operates the Daily News, and the Daily News Broadcasting Company, which operates WKCT–AM and WDNS–FM radio stations in Bowling Green.

In his free time, Gaines loved fishing, dove hunting, traveling both domestically and abroad, and good food, said his grandson, Steve Gaines, who is editorial page editor at the Daily News.

''My fondest memories of my grandfather will always be spending countless hours fishing next to him on the creek beds or countless hours in the dove field, either shooting doves or talking about Alabama football,'' Steve Gaines said.

John Gaines was also was loyal to his church, where he had served on the vestry and was a trustee of the Delafield Committee.

The Rev. Howard Surface, who was Gaines' pastor at Christ Episcopal Church for four decades, said that for years, Gaines came to the church several days a week.

''For many, many years my office was in the front part of the church on State Street,'' Surface said, ''and every day around noon I would see John. He made a habit of walking up State Street and he would stop at the church's prayer chapel.''

Gaines' also was devoted to his family, Steve Gaines said.

''My grandfather said many times the best thing he ever did in life was marry Mabel Sharp Gaines, and he was right.''

Gaines and his wife raised three children: Pipes Gaines, who is now publisher of the Daily News, Mary Gaines Dunham, who is retired from her job as national advertising director at the newspaper, and Mollie Gaines Smith, now of Louisville.

The couple also had several grandchildren, including Scott Gaines, who is Steve Gaines' brother and works in the business side of the Daily News.

Steve Gaines said he now takes solace in the fact that his grandfather was surrounded by family when he died. He's also comforted by the fact that his granddad knew the Daily News would stay in the Gaines family after his death.

''He wouldn't have wanted it any other way,'' he said.

Stringer said he now thinks one of Gaines' greatest legacies has been passing down his sense of integrity to his children, and gave Gaines what he considers ''the highest compliment you can give'' in the newspaper business.

''He was a hell of a good newspaper man,'' Stringer said, ''and I think the community is going to miss him.''

EXTRANEOUS PROVISIONS OF S. 1762

Mr. CONRAD. Madam President, as chairman of the Committee on the Budget, pursuant to section 313 of the Congressional Budget Act of 1974, I ask unanimous consent to have printed in the RECORD the following list of reconciliation provisions considered to be extraneous and subject to the Byrd rule.

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

EXTRANEOUS PROVISIONS OF S. 1762 AS REPORTED BY THE HEALTH, LABOR, EDUCATION AND PENSIONS COMMITTEE

Provision	Violation	Description of provision
Sec. 301	Sec. 313(b)(a)(A) No change in outlays or revenues.	Lender Insurance.
Portion of Sec. 801 on page 55 lines 16 through 20.	Sec. 313(b)(1)(A) No change in outlays or revenues.	Statement of purpose of College Access Partnership Grant Program.
Portion of Sec. 801 on page 68, lines 9 through 11.	Sec. 313(b)(1)(A) No change in outlays or revenues.	Sunset.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 4, 2007, in Pearland, TX, Terry Mark Mangum brutally murdered Kenneth Cummings, Jr., for being gay. Mangum says the two had drinks at a Montrose-area club before returning to Cummings' home in Pearland. Mangum confessed to having stabbed Cummings to death with a six-inch knife at Cummings' residence that night. He then burned the body and buried it at a 50-acre ranch owned by his grandfather. Mangum says he believed that Cummings was gay and allegedly had planned the killing for 6 months prior to the murder.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO MYRON PIERCE OF SOUTH PARIS, MAINE

• Ms. SNOWE. Madam President, today I pay tribute to Myron Pierce of South Paris, ME, as he is honored by Joshua L. Chamberlain Camp No. 69—Sons of Union Veterans of the Civil War, the Veterans of Foreign Wars, the American Legion and the Western Maine Veterans Advisory Council. Through the years, Myron Pierce has demonstrated a selfless and stalwart commitment to his family, his community, and his country. Born in Bethel, ME, the oldest of eight children, Myron began his military career at the age of 19, serving in the Army National Guard and was activated to full-time duty the following year stationed at Camp Blanding, FL. By 1942, he was a machine gunner with the 12th Bomb Group and led night patrols that uncovered the presence of German troops, earning him a Silver Star. From 1941 to 1945, he fought with the 103rd Infantry of the 43rd Division, also known as Winged Victory, and was wounded in combat in North Africa. During the Korean War he rejoined the Maine Army National Guard. While in that theater, he led 27 consecutive night combat patrols in Iron Triangle near Pork Chop Hill, where a Chinese unit ambushed the 2nd Infantry Division and he endured grenade shrapnel. He and two others were the only survivors of that fateful night. Through the remarkable span of his distinguished 30-year military career, Myron received countless military medals and rose through the ranks from private to company commander, then to operation officer, and finally battalion commander. He also served as assistant commandant for the Army Reserve Officer School—all commendable distinctions.

Upon retiring from the military, for the next 26 years, Myron focused his dedication in the classroom as an educator. Never wavering on his sense of duty, he continued his service to his country by reaching out to students on matters of patriotism, flag etiquette, and the Voice of Democracy. As a teacher at the Oxford Hills Comprehensive High School, he spearheaded a local chapter of the Distributive Education Club of American, DECA, a cooperative program working with local area businesses and high school students teaching them business and marketing skills as well as how to be a contributing and productive member of the community. Myron worked in conjunction with the State of Maine to construct a Veterans Home for the Oxford Hills area veterans. As a tireless advocate on behalf of veterans, in July of 1995, he was successful in his mission to bring the Western Maine Veterans Home to South Paris. Again, ever-vigilant in his contributions to his fellow veterans, he was appointed by Maine Gov. John R. McKernan to the board of trustees for Maine Veterans Homes and was reappointed to serve a second term by Gov. Angus King. A testament to his motto, ''We are here to service the community,'' in 2004, Myron Pierce was presented with the well-deserved Oxford Hills Chamber of Commerce Community Service Award. I want to offer my heartfelt best wishes and deepest appreciation to Myron Pierce for his extraordinary service and sacrifice to his community and to our Nation.•

ADDITIONAL STATEMENTS

IN MEMORIAM: CHARLES LANE

• Mrs. BOXER. Madam President, I wish to honor a great Californian, Charles Lane, who passed away on July 9, 2007, at the age of 102.

Charles Lane was an American actor seen in hundreds of films and television shows. At the time of his death, Mr. Lane was the oldest living American actor. He appeared in many of Frank Capra's films, including ''Mr. SMITH Goes to Washington,'' ''Arsenic and Old Lace,'' and ''It's a Wonderful Life.''

Lane was born Charles Gerstle Levison in San Francisco, CA, to Alice and Jacob Levison on January 26, 1905. In 1932, Lane married Ruth Covell, and they remained together for 70 years, until her death in 2002. Until his recent passing, Charles Lane lived in the Brentwood, CA, home that he and Ruth bought in 1964.

Charles Lane began his acting career in 1929 at the suggestion of actor/director Irving Pichel, and in 1933 Lane became a founding member of the Screen Actors Guild. His final acting role was at the age of 101 in 2006's ''The Night Before Christmas.'' His last television appearance was at the age of 90 when he appeared in the 1995 Disney TV remake of its 1970 teen comedy ''The Computer Wore Tennis Shoes.''

Lane appeared in more than 250 films and hundreds of television programs. On his busiest days, Lane sometimes played more than one character, changing costumes and filming his two or three lines, then dashing off to another set for a different costume and a different role. While Lane often portrayed stern and hard-hearted characters, his friends and fellow actors remembered Lane as warm, funny, and kind.

Lane was not only found on the screen; he was found of the stage. In 1928, he joined the company at the Pasadena Playhouse, which was known for training actors for the movies, appearing in more than 100 productions over three decades. He made his film debut as a hotel desk clerk in ''Smart Money'' in 1931 with Edward G. Robinson and James Cagney.

In 2005, the TV Land Awards paid tribute to Lane by celebrating his 100th birthday. After he was serenaded ''Happy Birthday'' by the audience and was presented his award, Lane remarked to the audience, ''If you're interested, I'm still available.'' He was given a standing ovation.

Our Nation lost an amazing actor with the passing of Charles Lane, but his legacy to film and television will be remembered as we continue to enjoy the many films and programs he made during his long career.•

RETIREMENT OF COLONEL PAUL JAMES SYKES

• Mr. GRAHAM. Madam President, today I ask the Senate to join me in recognizing COL Paul James Sykes on the occasion of his retirement from the U.S. Air Force Reserve, USAFR. Since entering the Air Force in 1975 with the 315th Military Airlift Wing, Charleston, SC, Colonel Sykes has remained a dedicated reservist for his entire career.

After being commissioned through the USAFR Officers Training Program at the Citadel in 1974, Second Lieutenant Sykes began his military career flying the C–141A Starlifter. Over his 16 years of flying the C–141, Colonel Sykes held numerous squadron-level positions while supporting an array of humanitarian efforts and military operations worldwide.

In 1993, Major Sykes was selected to make the historic delivery of the first Globemaster III into Charleston AFB, SC, while accompanying the Chief of Staff of the Air Force. Additionally, Major Sykes played an integral role as a member of the initial Crew Operations Review Team which was responsible for significant technological and operational upgrades to the C–17.

As a distinguished reservist, Major Sykes was selected as the Deputy Commander of the 315th Operations Group after previously being named Squadron Operations Officer for the 300 Airlift Squadron only months before. In 2001, Lieutenant Colonel Sykes was critical in ensuring that over 1,500 Reserve personnel were adequately prepared for their call to duty after the attacks of September 11th.

Two years later, Colonel Sykes deployed to Rhein Main AB, Germany, where he was responsible for the daily launching of over 35 flight missions to move the more than 3,000 military personnel who were to support Operations Iraqi/Enduring Freedom. After returning from overseas in 2004, Colonel Sykes was selected as the Commander of the 916th Air Refueling Wing at Seymour Johnson AFB, NC. As the Air Force Reserve Command's only wing in North Carolina, Colonel Sykes was charged to command over 950 reservists in support of the Air Force's global refueling mission.

During his tenure as Commander, the 916th Air Refueling Wing received numerous awards and scored in the top 3 percent of AFRC units in the Unit Compliance Inspection. Furthermore, the Wing was awarded the prestigious Air Force Outstanding Unit Award for its exceptional efforts and volunteer service.

A devoted patriot, Colonel Sykes formally retires on July 27, 2007, as a Command pilot with over 9,100 military flying hours. As a decorated leader, his commitment to our country will be forever marked by his extraordinary vision and endless sacrifice. Throughout his entire career and to this day, Colonel Sykes has served as a model airman. Along with his wife Patricia, who has stood next to Colonel Sykes with unwavering loyalty and shared sacrifice but comforted by the humbling gift of serving one's country, I thank him for his service and wish him the very best in his retirement. I ask that the Senate join me in honoring him for his lifelong career of service.•

HONORING ''CATONSVILLE GOES COASTAL''

• Mr. CARDIN. Madam President, today I wish to honor the exemplary service of a group of my constituents from Catonsville, MD, who have recently returned from their week-long volunteer trip to Kiln, MS.

Led by high school seniors Justin Holmes and Sarah Dobson, ''Catonsville Goes Coastal'' coordinated six work teams to rebuild homes that were devastated by Hurricane Katrina. Working with the local Camp Coastal Outpost, the group's 59 students and 14 adults worked on eight works sites in Hancock County, where 80 percent of the structures were destroyed by the storm. Through student-organized fundraisers and donations from the local community, the volunteers raised over $55,000 throughout the year to fund their trip and to buy $12,000 worth of donations for Camp Coastal and for the families with whom they worked.

''Catonsville Goes Coastal's'' efforts embody the global awareness, community spirit, and civic responsibility that we as Americans should all strive to achieve. I hope that my Senate colleagues will join me in recognizing ''Catonsville Goes Coastal'' for their generosity and dedication to their fellow Americans.•

RECOGNIZING THE PASSING OF WALTER NEVADA

• Mr. CRAPO. Madam President, on April 17, Walter Nevada, the oldest living Shoshone-Bannock tribal elder and remaining original allottee on the Fort Hall Indian Reservation passed away. He was 101 years old. Walter was a distinguished member of one of the oldest tribes in Idaho. He was a religious man of wisdom respected by his people, a great teacher and leader.

The government of the Shoshone Bannock Tribes has existed for many generations. Traditional tribal government was based upon small bands of closely related families. Today the tribes are organized as a sovereign government, providing many services to tribal members and non-Indians with revenues from agriculture, business enterprises, tourism and many other operations.

Even though thousands of years have passed, the Shoshone and Bannock Tribes continue to leave an indelible mark on the ongoing history of North America and Idaho. One example is the recent successful endeavor of the Shoshone Bannocks to certify a tribal member as a Federal inspector of underground fuel storage tanks. This is the first time that this collaboration between a tribe and the Environmental Protection Agency has occurred, and demonstrates the Shoshone Bannock Tribes' commitment to working with the U.S. Government on the critical issue of ground water protection. Also, working in coordination with State and Federal agencies, the Shoshone Bannocks have an active air quality monitoring program. The tribe continues to successfully preserve its history and way of life, while recognizing and promoting its critical role in stewardship of the environment. I have been pleased to work with them in the past, and look forward to doing so in the future.•

RECOGNIZING GARY, SOUTH DAKOTA

• Mr. THUNE. Madam President, today I recognize Gary, SD. The town of Gary will celebrate the 135th anniversary of its founding this year.

Since its beginning, Gary has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Gary will continue to thrive and succeed for the next 135 years.

I would like to offer my congratulations to the citizens of Gary on their anniversary and wish them continued prosperity in the years to come.•

HONORING REV. DR. OTIS MOSS, JR.

• Mr. VOINOVICH. Madam President, I wish to honor and congratulate my friend and long-time civil rights activist, the Reverend Dr. Otis Moss, Jr. The church which he currently pastors recently celebrated 75 years of service to the Cleveland community. In July 2007, Reverend Moss will celebrate 32 years of pastoral service to the Olivet congregation.

Reverend Moss pastors the Olivet Institutional Baptist Church in the Fairfax neighborhood of my hometown of Cleveland, OH. Since 1931, Olivet has been more than a place of worship and Christian fellowship in the African-American community. It has been dedicated to preaching, teaching, and practicing the unconditional love of Jesus Christ. And as a centerpiece of the community, it has nurtured leaders who have championed civil rights and equality for the poor, and it has worked to increase awareness about poverty, health care, employment, education, and human rights.

A native of Georgia, Otis Moss, Jr., was born on February 26, 1935, to Otis and Magnolia Moss. He earned his bachelor's degree from Morehouse College in 1956 and his master of divinity degree from the Morehouse School of Religion/Inter-denominational Theological Center in 1959. He also completed special studies at the Inter-denominational Theological Center from 1960 to 1961 and earned his doctorate in ministry from the United Theological Seminary in 1990.

Reverend Moss's tenure as pastor began in 1954 in LaGrange, GA at Mount Olive Baptist Church. While leading Mount Olive, Moss also served as pastor of Atlanta's Providence Baptist Church from 1956 to 1959. He then headed to Ohio, where he was the pastor for Mount Zion Baptist Church in Lockland. In 1971, Reverend Moss served as copastor with the Reverend Dr. Martin Luther King, Sr., at Ebenezer Baptist Church in Atlanta. Olivet Institutional Baptist Church extended the invitation to Reverend Moss to be their pastor in December 1974. He was installed as pastor in 1975.

Reverend Moss has been involved in advocating civil and human rights and social justice issues for most of his adult life. Having been a staff member for Dr. Martin Luther King, Jr., he formerly served as a national board member and trustee for the Martin Luther King, Jr. Center for Non-Violent Social Change. His work in the international community has taken him around the world to Hong Kong, Taiwan, Japan, and Israel.

Moss is the recipient of numerous awards, including the Role Model of the Year Award from the National Institute for Responsible Fatherhood and Family Development in 1992, the Leadership Award from the Cleveland chapter of the American Jewish Committee in 1996, and, most recently, he was inducted into the 2007 Class of the International Civil Rights Walk of Fame located at the Martin Luther King Jr. National Historic Site in Atlanta. He also holds six honorary degrees from colleges and universities in Ohio, Georgia, and Arkansas.

His political and civic engagement runs deep. Moss has served as chairman of the board of trustees at Morehouse College and as a member of the board of trustees at the United Theological Seminary in Dayton, OH. He was an advisor to former President Jimmy Carter at Camp David and was the special guest of President Bill Clinton at a peace treaty signing between Israel and Jordan in 1994. Former Ohio Governor Richard Celeste awarded Moss the 1983 Governor's Award in Civil Rights, and I had the honor of presenting Reverend Moss with the 1993 Governor's Award in Civil Rights.

His service to Ohio and the Nation has also been recognized by the Ohio House of Representatives, Ebony Magazine, Cleveland Press, the Black Professional Association of Cleveland, the American Red Cross of Greater Cleveland, Project Love: Remember the Children Foundation, The Cleveland Jewish Committee, and Alpha Kappa Alpha Sorority, Inc. He is a life member of the National Association for the Advancement of Colored Peoples, NAACP, Alpha Phi Alpha Fraternity, Inc., and Sigma Pi Phi, Boule, to name a few.

University Hospitals Health System honored Reverend Moss with a special medical center partnership bearing his name. In 1997, the Otis Moss Jr.–University Hospitals Medical Center was established in conjunction with the Olivet Institutional Baptist Church. The center offers a wide range of primary and specialty care medical services and features an on-site laboratory.

Reverend Moss and I share a passion for helping our children reach their full potential and lead our Nation and world into the next century and beyond. In 2003, I had the privilege of touring and visiting with Moss and his staff at the Medical Center to see how a program called ''Reach Out and Read'' is administered.

Reverend Moss enjoyed an abiding friendship with the late Dr. Martin Luther King, Jr. In fact, Dr. King visited the pulpit of Olivet Institutional Baptist Church on several occasions and performed the wedding ceremony for Reverend and Mrs. Moss.

Perhaps the greatest connection I share with Reverend Moss is the love and appreciation we both have for our wives. Reverend Moss is married to the former Edwina Hudson Smith, who is accomplished in her own right and is the recipient of numerous awards and recognitions. She is recognized for her outstanding commitment to service as a member of the National Board of the American Red Cross. Their love is a model for us all. Sadly, Reverend Moss and I also share in the loss of a young child.

As someone who has had the pleasure of knowing and working with Reverend Dr. Otis Moss, Jr., I have seen how far his works have reached and benefited others. He has made significant contributions to his community, the State of Ohio, our Nation, and our world. Reverend Moss has shown that he lives in accordance with his strong faith in God. He is someone all of us would do well to emulate, and I am pleased and proud to salute him, his wife, their children, and grandchildren.

Thank you, Reverend Moss, for your outstanding commitment and exceptional leadership to our community. Our lives are better as a result of having been touched by you. Congratulations again to you and your Olivet family for your devotion and commitment to the Cleveland community.●

TUESDAY, JULY 17, 2007

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF PERSONS DETERMINED TO HAVE COMMITTED, OR TO POSE A SIGNIFICANT RISK OF COMMITTING, AN ACT OR ACTS OF VIOLENCE THAT HAVE THE PURPOSE OR EFFECT OF THREATENING THE PEACE OR STABILITY OF IRAQ—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons determined to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people. I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and relied upon for additional steps taken in Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004. In these previous Executive Orders, I ordered various measures to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq.

My new order takes additional steps with respect to the national emergency declared in Executive Order 13303 and expanded in Executive Order 13315 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.

The order further authorizes the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, to designate for blocking those persons determined to have materially assisted, sponsored, or

provided financial, material, logistical, or technical support for, or goods or services in support of, such an act or acts of violence or any person designated pursuant to this order, or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order. I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 17, 2007*.

MESSAGE FROM THE HOUSE

At 5:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following act, with an amendment, in which it requests the concurrence of the Senate:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes, with an amendment.

The message also announced that the House disagreed to the Senate amendment to the act (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Homeland Security for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Messrs. ETHERIDGE, LANGEVIN, CUELLAR, AL GREEN of Texas, PERLMUTTER, KING of New York, SMITH of Texas, SOUDER, TOM DAVIS of Virginia, DANIEL E. LUNGREN of California, ROGERS of Alabama, MCCAUL of Texas, DENT, and Ms. GINNY BROWN-WAITE of Florida.

From the Committee on Armed Services, for consideration of sections 1202, 1211, 1221, 1232, 1233, and 1241 of the House bill, and section 703 of the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, and SAXTON.

From the Committee on Energy and Commerce, for consideration of title I, title II, sections 743 and 901 of the House bill, and title III, sections 1002, 1481, 1482, 1484, and title XVII of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, MARKEY, and BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of sections 601, 1202, 1211, 1221, 1222, 1232, 1233, 1241, 1302, 1311, 1312, 1322, 1323, 1331–1333, 1412, 1414, 1422, 1431, and 1441–1443 of the House bill, and sections 502, 1301, title XVIII, sections 1911–1913, and 1951 of the Senate amendment, and modifications committed to conference: Messrs. LANTOS, ACKERMAN, and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary, for consideration of sections 406, 501, 601, 702, and title VIII of the House bill, and sections 123, 501–503, 601–603, 1002, and 1432 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Ms. ZOE LOFGREN of California, and Mr. SENSENBRENNER.

From the Committee on Oversight and Government Reform, for consideration of section 408 and subtitle A of title VIII of the House bill, and sections 114, 601, 602, 903, 904, 1203, 1205, and 1601 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, CLAY, and ISSA.

From the Permanent Select Committee on Intelligence, for consideration of sections 601, 712, 723, 732, 733, 741, 742, and subtitle A of title VIII of the House bill, and sections 111–113, 121, 122, 131, 502, 601, 602, 703, 1201–1203, 1205, 1206, and 1606 of the Senate amendment, and modifications committed to conference: Messrs. REYES, CRAMER, and HOEKSTRA.

From the Committee on Science and Technology, for consideration of sections 703, 1301, 1464, 1467, and 1507 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, WU, and GINGREY.

From the Committee on Transportation and Infrastructure, for consideration of titles I–III, section 1002, and title XI of the House bill, and sections 202, 301, title IV, sections 801–803, 807, 901, 1001, 1002, 1101–1103, 1422–1424, 1426, 1427, 1429, 1430, 1433, 1436–1438, 1441, 1443, 1444, 1446, 1449, 1464, 1473, 1503, and 1605 of the Senate amendment, and modifications committed to conference: Messrs. OBERSTAR, DEFAZIO, and MICA.

For consideration of title II of the House bill, and title III of subtitle C of title XIV of the Senate amendment, and modifications committed to conference: Mr. LARSON of Connecticut.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 781. An act to redesignate Lock and Dam N. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 799. An act to authorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

H.R. 1980. An act to authorize appropriations for the Housing Assistance Council.

H.R. 1982. An act to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development.

H.R. 2293. An act to require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde.

H.R. 2547. An act to amend the Federal Deposit Insurance Act to prevent misrepresentation about deposit insurance coverage, and for other purposes.

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the ''Dr. Karl E. Carson Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 87. Concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

The message further announced that pursuant to The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), the Minority Leader appoints the following Member to the National Council on the Arts: Mr. TIBERI of Ohio.

The message also announced that pursuant to section 730c of the Public Interest Declassification Board, 50 US.C. 435 note, the Republican Leader re-appoints the Honorable David Scaggs to the Public Interest Declassification Board as the Minority Leader appointment, with the understanding that he will resign the position effective June 5, 2009.

The message further announced that pursuant to 20 US.C. 2004(b), and the order of the House of January 4,2007, the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of the Harry S Truman Scholarship Foundation: Mr. SKELTON of Missouri and Mr. HULSHOF of Missouri.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that he had signed the following enrolled bills, which had previously been signed by the Speaker of the House:

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. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''; to

the Committee on Environment and Public Works.

H.R. 1980. An act to authorize appropriations for the Housing Assistance Council; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1982. An act to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2293. An act to require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde; to the Committee on Foreign Relations.

H.R. 2547. An act to amend the Federal Deposit Insurance Act to prevent misrepresentation about deposit insurance coverage, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the ''Dr. Karl E. Carson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 87. Concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

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

H.R. 799. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 17, 2007, she had presented to the President of the United States the following enrolled bill:

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.

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–2580. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Standards for Sorghum'' (RIN0580–AA91) received on July 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2581. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Management Official Interlocks'' (RIN1557–AD01) received on July 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2582. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to acquisitions made by the Department with entities that manufacture the articles, materials or supplies outside of the United States; to the Committee on Energy and Natural Resources.

EC–2583. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Removing the Bald Eagle in the Lower 48 States from the List of Endangered and Threatened Wildlife'' (RIN1018–AF21) received on July 16, 2007; to the Committee on Environment and Public Works.

EC–2584. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Peck's Cave Amphipod, Comal Springs Dryopid Beetle, and Coma; Springs Riffle Beetle'' (RIN1018–AU75) received on July 16, 2007; to the Committee on Environment and Public Works.

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. CLINTON (for herself, Mr. OBAMA, and Mr. BROWN):

S. 1793. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. BAYH:

S. 1794. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. ISAKSON, and Ms. COLLINS):

S. 1795. A bill to improve access to workers' compensation programs for injured Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 1796. A bill to provide for the conveyance of the Presque Isle Light Station Fresnel Lens to Presque Isle Township, Michigan; to the Committee on Commerce, Science, and Transportation.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 1797. A bill to reduce the risks to Colorado communities and water supplies from severe wildfires, especially in areas affected by insect infestations, to provide model legislation that may be applied to other States experiencing similar insect infestations or other forest-related problems, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. BOXER):

S. 1798. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN:

S. 1799. A bill to amend the Internal Revenue Code of 1986 to apply rate parity to the excise tax on small cigars and small cigarettes, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. BAYH, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 1800. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 1801. A bill to require a study on the relocation of the Sector Buffalo facilities of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG:

S. 1802. A bill to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 1803. A bill to authorize the exchange of certain land located in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Ms. COLLINS):

S. 1804. A bill to enhance the ability of the United States to prevent, prepare for, detect, and respond to agriculture and food emergencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER:

S. 1805. A bill to amend the National Housing Act to increase the mortgage amount limits applicable to housing insured by FHA mortgage insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. BINGAMAN, and Mr. ROBERTS):

S. 1806. A bill to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON:

S. 1807. A bill to establish the Weather Mitigation Advisory and Research Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1808. A bill to authorize the exchange of certain land in Denali National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 14, a bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 59, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 65

At the request of Mr. INHOFE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 116

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 116, a bill to authorize resources to provide students with opportunities for summer learning through summer learning grants.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 394

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 617

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) 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. 773

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 774

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) 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. 803

At the request of Mr. ROCKEFELLER, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors 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. 1230

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for contributions to qualified tuition programs.

S. 1339

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1339, a bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes.

S. 1374

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1463

At the request of Mr. PRYOR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1463, a bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1514

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1577

At the request of Mr. KOHL, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1668

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1731

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1731, a bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending.

S. 1742

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1742, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1776

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1776, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a user fee program to ensure food safety, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 2000 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 name of the Senator from California (Mrs. BOXER) was added as a cosponsor 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 Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. BROWN) 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. 2086

At the request of Mr. OBAMA, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors 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. 2087

At the request of Mr. LEVIN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2087 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. 2110

At the request of Mr. SALAZAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of amendment No. 2110 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. 2121

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2121 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. 2122

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2122 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. 2163

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2163 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. 2209

At the request of Mr. CONRAD, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 2209 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. 2234

At the request of Mr. SALAZAR, the names of the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2234 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. OBAMA, and Mr. BROWN):

S. 1793. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Mrs. CLINTON. Mr. President, lead poisoning is a serious, persistent, and entirely preventable threat to a child's health. Childhood lead poisoning has been linked to impaired growth and function of vital organs and problems with intellectual and behavioral development. At very high levels, lead poisoning can cause seizures, comas, and even death; robbing a child of his or her future.

Lead poisoning is the number one environmental health threat to children of color and low-income children in the U.S. African-American and Mexican-American children are 5 and 2 times more likely, respectively, to have toxic blood lead levels than white children, while low-income children are 8 times more likely to develop lead poisoning than more affluent children. Compounding the problem is the fact that 77 percent of children eligible for lead screening under Medicaid are not screened for exposure to lead.

An estimated 500,000 American children under the age of 6 have enough lead in their blood to adversely affect their development. The most common source of lead exposure for children today is lead paint in older housing, particularly when it contaminates dust and soil in and around residences. Furthermore, despite a ban on lead paint in 1978, there are still over 24 million housing units in the U.S. that have lead paint hazards, with about 1.2 million units in New York State alone.

The good news is childhood lead poisoning can be dramatically reduced by the abatement or reduction of lead-based hazards found in homes. Today, I am please to reintroduce legislation to provide a tax credit for safely removing lead-based paint hazards from homes and rental units. The Home Lead Safety Tax Credit Act of 2007 offers much needed incentives for property owners to ensure homes are free of environmental dangers that can harm our children and will put America closer to its goal of eliminating lead poisoning in children by the year 2010.

This bill provides home owners and landlords with a 50 percent tax credit for lead abatement cost for up to $3,000 and up to $1,000 interim control measures. These interim control measures, including replacement of windows, specialized maintenance, and safe repainting, are a cost-effective means of protecting the largest number of children from harmful lead exposure in the near term.

This legislation targets a tax credit to homes with children younger than 6 years of age, women of childbearing age, low-income residents, and buildings constructed before 1960, as these include more than 96 percent of all units where lead-based paint is prevalent. Targeting these tax credits has proven to be a successful way of eliminating childhood lead poisoning. For example, a similar tax credit offered by the State of Massachusetts helped reduce the number of new cases of childhood lead poisoning within the State by almost two-thirds in a decade.

I am glad the U.S. Department of Health and Human Services considers eliminating lead poisoning to be a priority, and has established a national goal of ending childhood lead poisoning by 2010: However, current Federal lead abatement programs only have resources sufficient to make approximately 8,800 homes lead-safe each year. At this pace, we will not be able to end childhood lead poisoning by 3010, let alone 2010. The Home Lead Safety Tax Credit Act of 2007 would help homeowners make over 80,000 homes safe from lead each year, nearly 10 times the capacity of current Federal programs.

Every child deserves to grow up in a clean, healthy home environment. I am hopeful my colleagues will join me in supporting this legislation to safeguard homes against environmental hazards that detrimentally affect the health and safety of our children.

Mr. KENNEDY (for himself, Mr. ISAKSON, and Ms. COLLINS:

S. 1795. A bill to improve access to workers' compensation programs for injured Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. KENNEDY. Mr. President, when Congress passed the Federal Employees Compensation Act 41 years ago, we made a basic promise to Federal workers that if they get hurt on the job, they will be taken care of. Today, more than 2.5 million Federal workers rely on the act as a safety net in case of injury. These men and women are our Government at work in all its aspects, and they deserve a system that will care for them when they are injured. The legislation which Senator ISAKSON and I are introducing will ensure that this promise is fulfilled for all Federal workers.

Today, many injured Federal workers find the treatment they need and the compensation they deserve are out of reach. According to a Congressional Research Service report last year, one in five Americans lives in areas with a shortage of health care professionals. Citizens in such areas must often travel more than a hundred miles to see a doctor. Seeing a primary care doctor is often impossible or exorbitantly expensive. To get immediate treatment, they often rely on the expertise of nurse practitioners and physician assistants, who are more likely than doctors to practice in such areas.

These health care professionals fill a vital need, as the primary source of medical care for many patients. Their practice is regulated in all 50 States

and the District of Columbia. They are licensed by State laws to write prescriptions and provide many of the services provided by primary care physicians.

But Federal workers who turn to nurse practitioners and physician assistants for care are often denied compensation for their job injuries under current law. This gap in the compensation system for Federal workers is unacceptable. No one with a serious injury should have to make the impossible choice between driving a hundred miles to see a doctor who can sign the paperwork for a Federal compensation claim, or getting convenient and competent care from a local nurse practitioner or physician assistant, knowing he won't qualify for reimbursement for medical bills.

This bill will solve the dilemma for our Federal workers across the Nation who seek care from nurse practitioners or physician assistants. It makes a simple change to our Federal compensation program by allowing such cases to qualify for compensation. I urge my colleagues to support this bill, so we can keep our promise of care for all injured Federal workers.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. BOXER):

S. 1798. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President today I am introducing a bill with Senators HUTCHISON, CORNYN, and BOXER entitled ''the Border Health Security Act of 2007.'' This bill addresses the tremendous health problems confronting our Nation's southwestern border.

The U.S.-Mexico border region is defined in the U.S.-Mexico Border Health Commission authorizing legislation as the area of land 100 kilometers, or 62.5 miles, north and south of the international boundary. It stretches 2,000 miles from California, through Arizona and New Mexico to the southern tip of Texas and is estimated to have a population of 12 million residents.

The border region comprises 2 sovereign nations, 25 native american tribes, and 4 States in the U.S. and 6 States in Mexico.

Why should we provide some focus to this geographic region? In the past, we have recognized problems with other regions, through the Denali, Delta, and Appalachian commissions, and have provided targeted funding to those areas. Yet, the situation along the border is among the most dire in the country.

In the border region, 3 of the 10 poorest counties in the U.S. are located in the border area, 21 of the counties have been designated as economically distressed, approximately 430,000 people live in 1,200 colonias in Texas and New Mexico, which are unincorporated communities that are characterized by substandard housing, unsafe public drinking water, and wastewater systems, very high unemployment, and the lowest per capita income as a region in the Nation.

In a recent report by the U.S.-Mexico Border Counties Coalition, the Coalition found that, if the border were a State, it would rank second with respect to the uninsured, last with respect to access to health professionals, including doctors, nurses and allied health professionals per capita; second with respect to tuberculosis, third with respect to hepatitis; and fifth with respect to diabetes.

The result is a health system that confronts tremendous health problems with few resources.

According to U.S. Census Bureau data reported in September 2005, for the 3-year average of 2002 to 2004, the States of Texas and New Mexico rank first and second as the States with the highest uninsured rates in the country with rates of 25.0 percent and 21.0 percent, respectively. California and Arizona are not much better and had uninsured rates of 18.7 percent and 17.1 percent, respectively.

However, the figures along the border are even worse, as the rates of uninsured are higher still than that in the four States overall. Uninsured rates in many border counties are estimated to be above 30 percent and as high as 50 percent in certain communities. According to the U.S. Census Bureau's small area health insurance estimates, SAHIE, the three New Mexico border counties had an uninsured rate of 29.4 percent compared to the statewide average of 23.7 percent and more than twice the U.S. rate of 14.2 percent.

As the U.S.-Mexico Border Commission notes:

> The border is characterized by weaknesses in the border health systems and infrastructure, lack of public financial resources, poor distribution of physicians and other health professionals and hospitals. Moreover, the low rates of health insurance coverage and low incomes puts access to health services out of reach for many border residents and thus keeps the border communities at risk.

The U.S.-Mexico Border Commission has identified and approved of an agenda through its health border 2010 initiative, which seeks to, among other things: reduce by 25 percent the population lacking access to a primary provider; reduce the female breast cancer death rate by 20 percent; reduce the cervical cancer death rate by 30 percent; reduce deaths due to diabetes by 10 percent; reduce hospitalizations due to diabetes by 25 percent; reduce the incidence of HIV cases by 50 percent; reduce the incidence tuberculosis cases by 50 percent; reduce the incidence of hepatitis A and B cases by 50 percent; reduce the infant mortality rate by 15 percent; and, increase initiation of prenatal care in the first trimester by 85 percent.

However, the U.S.-Mexico Border Commission lacks the resources that are needed to address those important goals. The bipartisan legislation I am introducing today with Senators HUTCHISON, CORNYN, and BOXER, would address that problem by reauthorizing the U.S.-Mexico Border Health Commission at $10 million and authorizing additional funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities about how to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health; health education, and outreach and enrollment services with respect to Medicaid and the State Children's Health Insurance Program, SCHIP.

We would certainly expect that those grants will be used for the purpose of striving to achieve the measurable goals established by the health border 2010 initiative.

In addition, the bill contains authorization for $25 million for funding to border communities to improve the infrastructure, preparedness, and education of health professionals along the U.S.-Mexico border with respect to bioterrorism. This includes the establishment of a health alert network to identify and communicate information quickly to health providers about emerging health care threats.

On October 15, 2001, just 1 month after the September 11, 2001, attack on our Nation, Secretary Thompson spoke to the U.S.-Mexico Border Health Commission and urged them to put together an application for $25 million for bioterrorism and preparedness. The commission has done so but has not seen targeted funding despite the vulnerability that border communities have with respect to a bioterrorism attack. Our legislation addresses the vulnerability of communities along the border and targets funding to those communities specifically to improve infrastructure, training, and preparedness.

Our relationship with Mexico, like that with Canada, is a special one. Those countries are our closest neighbors, and yet, we often and wrongly neglect our neighbor to the south and the much needed economic development needed in the region. Mexico is the United States' second largest trading partner and the border is recognized as one of the busiest ports of entry in the world. And yet the region is often neglected.

As the U.S.-Mexico Border Health Commission points out:

Without increases and sustained federal, state and local governmental and private funding or health programs, infrastructure and education, the border populations will continue to lag behind the United States in these areas.

I would like to thank Senator HUTCHISON, who was an original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation today. She has also been the lead senator in getting funding for the U.S.-Mexico Border Health Commission since its inception.

I would also thank Senators CORNYN and BOXER for working with us on this important legislation and for their constant support over the years for the work of the Commission.

I urge the adoption of this bipartisan legislation by this Congress. I ask unanimous consent that the text of the bill to be printed in the RECORD.

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

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Border Health Security Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 3. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education;

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

(Q) trauma care;

(R) infectious disease testing and monitoring;

(S) health research with an emphasis on infectious disease; and

(T) cross-border health surveillance; and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.

SEC. 4. GRANTS FOR ALL HAZARDS PREPAREDNESS IN THE BORDER AREA INCLUDING BIOTERRORISM AND INFECTIOUS DISEASE.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, trauma centers, regional trauma center coordinating entity, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for all hazards preparedness in the border area including bioterrorism and infectious disease.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

(1) develop and implement all hazards preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate all hazard and emergency preparedness planning in the region;

(3) improve infrastructure, including surge capacity syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

(7) provide infectious disease testing in the border area; and

(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SEC. 5. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. 6. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats, disasters of mass scale, or bioterrorism along the border area.

SEC. 7. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational health infrastructure and health insurance efforts.

SEC. 8. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–3) is amended by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.''.

By Mrs. LINCOLN:

S. 1799. A bill to amend the Internal Revenue Code of 1986 to apply rate parity to the excise tax on small cigars and small cigarettes, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to discuss an issue of enormous importance the health and safety of our children. Although we have made great strides in recent years to combat youth cigarette smoking, a few in the tobacco industry have found a loophole which allows them to classify certain cigarettes as ''small cigars'' thereby avoiding higher cigarette taxes that

have been implemented, at least in part, to deter children from smoking.

The trend of small cigar use is growing at an alarming rate. Small cigar sales for 2006 were at the highest level ever reported and have increased by more than 100 percent since 1998. This increase has occurred at the exact same time that cigarette usage has decreased. More specifically, use of cigars among youth is rising. Multiple studies over the last few years have shown that more and more high school students are smoking cigar products while the percentage of high school cigarette smokers is down.

What is the reason for this shift in tobacco consumption? It is my belief and I am not alone that the emerging small cigar market has played a significant role in this problem. Tobacco products are self-classified by the manufacturer and labeled as small cigars. As cigarette taxes have gone up in recent years, the flight to cigar classification has become all the more tempting. As a result, there are an increasing number of manufacturers with products that look like cigarettes—the same size and shape as cigarettes—and smoke like cigarettes—many of them are filtered—being marketed and sold as cheaper alternatives to cigarettes simply because they are encased in brown wrapping. Members of the tobacco industry even acknowledge that small cigars are ''a smoking alternative to cigarettes.''

Under current law, small cigars are taxed at significantly lower rates than cigarettes. This tax differential allows small cigars to price themselves at about half of the usual cigarette shelf price. This mischaracterization is costing the Federal Treasury in revenues and, more importantly, having the effect of enabling our children greater access to tobacco products. In addition, these small cigar products are often sold in packs of five or eight, or sometimes even individually, making them even cheaper and more accessible to our children.

Research shows that increased tobacco product pricing reduces smoking among children. It is imperative that we implement policy to correct the pricing disparity among similar tobacco products. We must ensure that our laws intended to protect public health are not being circumvented. The legislation I am introducing today would increase the Federal excise tax on small cigars to the same rates as cigarettes. This will level the playing field to ensure that all tobacco products that look like cigarettes and smoke like cigarettes are taxed like cigarettes. I ask my colleagues to join me in working to ensure this loophole is closed.

By Mrs. CLINTON (for herself, Mr. BAYH, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 1800. A bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, last year, the FDA made emergency contraception, EC, available over the counter for women 18 years of age and older. Research shows that emergency contraception is safe and effective for preventing pregnancy. More than 70 major medical organizations, including the America Academy of Pediatrics, recommended that Plan B be made available over the counter.

Senator MURRAY and I spent a great deal of time and effort tracking the FDA's ''non-decision'' of whether emergency contraception should be made available over the counter. We have come a long way in the fight for access to EC.

Women deserve access to this medically approved drug and our servicewomen are no different. By providing access to emergency contraception, up to 95 percent of those unintended pregnancies could be prevented if emergency contraception is administered within the first 24 to 72 hours. For survivors of rape and incest, emergency contraception offers hope for healing.

Current Department of Defense policy allows emergency contraception to be available at military health care facilities. Currently, it is available at some facilities, but not others. The Compassionate Care for Servicewomen Act would simply ensure broader access by including EC on the basic core formulary, BCF, a list of medications stocked at all military health care facilities.

Introduced as a bipartisan bill in the House of Representatives by Congressmen MIKE MICHAUD and CHRIS SHAYS, the Compassionate Care for Servicewomen Act was written to implement exactly what the DOD's own committee charged with determining which drugs should be added to the basic core formulary recommended in 2002.

Unfortunately, about a month later, DOD political appointees overruled their own experts' advice without any justification and removed EC from the BCF. This bill restores what the DOD wanted to do before it was blocked by politics.

There is a real need for this legislation. According to the Pentagon, the number of reported sexual assaults in the military increased approximately 24 percent in 2006 to nearly 3,000. We have reports from women and health providers in the military who have sought EC on an emergency basis and have been unable to obtain it quickly enough.

Ensuring that EC is more broadly available at military health care facilities is a fair, commonsense step that everyone should be able to agree on.

It is my sincere hope that my colleagues join me in supporting this important legislation and I would like to express my thanks to my colleagues who have already signed on.

By Mr. BURR (for himself and Ms. COLLINS):

S. 1804. A bill to enhance the ability of the United States to prevent, prepare for, detect, and respond to agriculture and food emergencies; to the Committee on Homeland Security and Governmental Affairs.

Mr. BURR. Mr. President, I rise today in support of the National Agriculture and Food Defense Act of 2007, which I introduced today along with the Senator from Maine, Senator COLLINS. This bill will help the Nation better prepare for, detect, respond to, and recover from an agro-terror attack or deliberate food contamination. I thank my distinguished colleague from Maine for her leadership on homeland security issues and for her support of this important legislation.

Our agriculture and food system is an important part of our Nation's economy and our national security. As we increase our dependence on agriculture not only to provide our food supply but to also produce energy, we must ensure we can identify security vulnerabilities, fix those vulnerabilities, respond to and recover from a deliberate attack or catastrophic accidental or natural contamination.

The Nation's agriculture and food system remains vulnerable. The system is open, complex, interconnected, and diverse, which makes it a target. Many farms are geographically isolated with few biosecurity measures in place. And livestock is frequently concentrated in confined spaces. For example, 80 to 90 percent of U.S. cattle production is concentrated in less than 5 percent of the nation's feedlots. An attack on just one part of the production process could set off a devastating domino effect felt through our entire food system, causing economic loss and effects on human health.

Biological weapons and poisons in food and animals have been used in attacks in the past. During World War I, German operatives allegedly infected horses with anthrax before they were shipped to Europe. In 1984, a cult in Oregon spread salmonella in salad bars at restaurants to influence a local election. More recently, documents found in al Qaeda hideouts in Afghanistan described how to make animal and plant poisons, evidence that agriculture and food continue to be prospective targets for terrorist organizations.

We have two main concerns when contemplating a deliberate attack on our agriculture and food system, the potentially devastating economic impacts, and the possible human health effects.

For example, studies show a single agro-terrorist attack on our livestock industry could cost the U.S. economy $10 to $33 billion. The United Kingdom's Foot and Mouth Disease outbreak in 2001 caused approximately $5 billion in losses to the agriculture and food sector, and U.S. beef exports plunged when 119 countries instituted bans on American beef after ''mad

cow'' disease was found in a U.S. herd in 2003. The U.S. Department of Agriculture estimates the annual cost to the country from premature deaths caused by just one common food-borne illness, salmonella, is over $2 billion.

Many infectious diseases affect both humans and animals, and a significant number of those diseases cross over between the two different populations. In fact, 75 percent of emerging diseases affect both animals and humans, and 5 out of 6 agents of greatest concern for bioterrorism are ''zoonotic''. We are all aware of the global threat of H5Nl bird flu, a zoonotic disease that to date has infected 317 people, and killed 191. In order to protect the human and animal health of the United States, we must develop a unified human and veterinary approach against infectious disease that anticipates disease evolution and acts quickly.

In addition to transmissible diseases carried by animals, the health of U.S. citizens is vulnerable to an attack because food systems can become delivery mechanisms for diseases and poisonous agents, and a highly contagious animal disease could seriously disrupt the food supply. According to the Centers for Disease Control and Prevention, 76 million Americans get sick each year, more than 300,000 are hospitalized, and 5,000 die from naturally occurring foodborne illnesses. A deliberate attack could be catastrophic.

In the National Agriculture and Food Defense Act of 2007, we take five key actions to better prepare the nation for an attack on our agriculture and food system.

First, the bill puts someone in charge. Consistent with Homeland Security Presidential Directive 9, the Defense of the United States Agriculture and Food, issued by President Bush in January 2004, the bill identifies the Secretary of Homeland Security as the lead coordinator of Federal Government efforts to protect critical infrastructure and key resources, including the agriculture and food system in case of a national emergency. The Secretary of Agriculture remains responsible for agriculture, as well as meat, poultry, and egg food products; and the Secretary of Health and Human Services is responsible for food products other than meat, poultry, and egg products. The bill also establishes an Under Secretary for Protection, Preparedness, and Response position at the U.S. Department of Agriculture to lead and coordinate USDA activities relating to agriculture and food defense.

Second, the bill requires a coordinated national strategy for protecting our agriculture and food system. The Department of Homeland Security, the Department of Agriculture, and the Department of Health and Human Services are required to work together to develop a coordinated national strategy for agriculture and food emergency preparedness, detection, response and recovery. This will ensure the Federal Government identifies specific achievable goals and constantly strives to improve our preparedness.

Third, this legislation provides guidance, assistance, and financial support from the Federal Government to States by improving regional agriculture and food defense continuity of business planning; by training State personnel on food defense; and by improving communication and coordination between States and the Federal Government by hiring State agriculture and food defense liaison officers.

Being from a large agriculture State, I know my State and many others are potential targets for a deliberate attack on our agriculture and food system. At $68 billion in revenues each year, agriculture is North Carolina's largest industry. North Carolina is the second highest producer of hogs and turkeys in the nation, and number five in broilers. States, such as North Carolina, will benefit greatly from additional resources, coordination and planning.

Federal, State, local governments and the private sector together have a responsibility to defend and protect the agriculture and food system through a layered defense established at each level of government. States are the first responders in the event of a suspected food contamination, animal disease or plant pest outbreak, and the Federal Government must help States build the capabilities to prevent, detect, respond to, and recover from a catastrophic animal disease outbreak or food contamination. It is important to note that this legislation maintains the authority of States to oversee food and agriculture within their jurisdiction and to implement food safety standards. The bill does not affect USDA or the Food and Drug Administration's ability or authority to establish and enforce food safety standards.

Fourth, the bill enhances public-private partnerships. The majority of our agriculture and food system is privately owned and operated. This legislation authorizes Government and private sector coordinating councils to improve information sharing between Government and private sector partners.

Finally, the National Agriculture and Food Defense Act implements early detection of, and rapid response to animal disease outbreaks and food-related emergencies. The bill authorizes and integrates Nation-wide animal, plant, and food diagnostic laboratory networks, and develops onsite rapid diagnostic tools, to speed up the detection of animal and food-related emergencies. To rapidly respond to infectious diseases, the bill authorizes a stockpile of animal vaccines and drugs that can be deployed to an outbreak within 24 hours.

In closing, I thank Senator COLLINS for sponsoring the National Agriculture and Food Defense Act with me. We Are taking a decisive step forward today towards improving and protecting the Nation's agriculture and food system. I would also like to thank all the experts from across the country who worked with my staff to develop this legislation, particularly the individuals in North Carolina who have dedicated their lives to this mission. I urge my colleagues to support this legislation and I look forward to working with them on this important national security issue.

Ms. COLLINS. Mr. President, I rise to speak in support of the National Agriculture and Food Defense Act of 2007 that my distinguished colleague, Senator BURR, and I are introducing today.

A decade ago, the General Accounting Office report illustrated the danger of lapses in food safety, a single-year toll of millions of cases of food-borne illnesses and 9,100 food-related deaths. I conducted a series of investigative hearings in 1998 that confirmed America faced significant risks from tainted food imports.

In 2003, I also chaired a Senate Homeland Security Committee hearing that pointed out new threats. I noted that al-Qaida had announced that the U.S. economy was a target, that hundreds of U.S. agricultural documents had been found translated into Arabic, and that some of the 9/11 terrorists had investigated using crop-dusting planes as weapons of agroterrorism.

Today, food security problems persist, and their potential for death and disruption has been greatly magnified by the terrorist threats against the United States. Ensuring the safety of our food must include considerations of homeland security.

We have all heard the recent news stories of contamination involving food and toothpaste imported from China. But the concerns extend far beyond anyone trading partner. Food and Drug Administration data for 2006 show that hundreds of shipments from India, Mexico, Denmark, the Dominican Republic, and other countries were impounded for defects or safety concerns. Considering that the vast majority of incoming food shipments are not inspected, these facts are troubling. Even more troubling, we must consider how much worse the potential impacts could be if large-scale deliberate contamination were attempted, whether by attacks on domestically produced food or imports or the distribution, production, and processing systems.

Congress has recognized the threats to our seaports, chemical facilities, transportation, and critical infrastructure. We have acted to protect these vital systems that sustain our economy. We must also extend our homeland security vigilance to the food that sustains our very lives.

The National Agriculture and Food Defense Act would integrate and strengthen the federal government's ability to promote food security. With the Department of Homeland Security in a directing role, and with sector-specific leadership roles for the Departments of Agriculture and Health and Human Services, the bill would provide

a coherent National Agriculture and Food Defense Strategy consistent with our national emergency management plans.

As Congress has already provided in other areas, the national food security strategy would address preparedness, mitigation, response, and recovery. Its provisions for stockpiling veterinary supplies and establishing a plant-disease recovery program would add vital new Federal capabilities. Coordination of Federal food security budget activity and outreach State, local, and private sector stakeholders are also important features of the bill.

In light of the gravity of the threat to our food security and this measure's thoughtful and promising response to that threat, I encourage my colleagues to support expeditious action on this bill.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. BINGAMAN, and Mr. ROBERTS):

S. 1806. A bill to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill to correct a most unfortunate piece of legislation that was slipped into an appropriations bill several years ago, which will restore the Federal courts to their proper position in considering certain trademark issues. I joined Senator CRAIG, Senator BINGAMAN, and Senator ROBERTS on a version of this bill in the 109th Congress. That bill did not reach final passage, but its importance demands our renewed attention. Together, we are reintroducing the Judicial Powers Restoration Act of 2007.

We will repeal Section 211 of the Omnibus Appropriations Bill of 1999. Section 211 was slipped into that appropriations bill at the eleventh hour, under the radar of most members of the Senate. It was done in a way specifically intended to bypass the normal legislative process. Its intent was to affect the outcome of a dispute over the ''Havana Club'' trademark for rum. Section 211 prohibits the registration or renewal of registration of a trademark of a business that was expropriated by the Cuban Government. It also disallows ''any assertion of rights'' by Cuban entities, or a foreign successor in interest to a Cuban entity, with respect to trademarks of expropriated businesses. Finally, the provision states that no U.S. Court may recognize the attempt by a Cuban entity or its successor in interest, from asserting treaty rights with respect to an expropriated mark unless the owner expressly consents.

I am not here to help out a liquor company. Rather, I am here to ensure that intellectual property protections recognized by our laws are honored in our courts. I am here to ensure that U.S. courts may consider trademark cases arising under U.S. laws. Most importantly, I am here because the legislative process needs to take place in the open and in front of the people, not under cover of darkness and behind closed doors.

I have been working with Senator CRAIG, Senator BINGAMAN, and Senator ROBERTS for more than three years on this issue, and I hope we can move quickly to pass this bipartisan legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Judicial Powers Restoration Act of 2007''.

SEC. 2. PURPOSE.

The purpose of this Act is to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks.

SEC. 3. REPEAL.

(a) IN GENERAL.—Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–88) is repealed.

(b) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall issue such regulations as are necessary to carry out the repeal made by subsection (a), including removing or revoking any prohibition on transactions or payments to which subsection (a)(1) of section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 applied.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2270. 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.

SA 2271. 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 2272. Mr. WEBB (for himself and Mr. WARNER) 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 2273. 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 2274. Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON) proposed an amendment to the bill H.R. 1585, supra.

SA 2275. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON) proposed an amendment to amendment SA 2274 proposed by Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON)) to the bill H.R. 1585, supra.

SA 2276. Mr. KOHL (for himself and Mr. WARNER) 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 2277. 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 2278. 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 2279. Mr. ENSIGN (for himself, Mr. COLEMAN, and Mr. CRAIG) 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 2280. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2165 submitted by Mr. BOND (for himself and Mr. LEAHY) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2281. 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 2282. 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 2283. Mr. BAUCUS (for himself and Mr. TESTER) 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 2284. Mrs. BOXER 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 2285. Mrs. BOXER 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 2286. Mrs. BOXER 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 2287. Mrs. BOXER 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 2288. Mrs. BOXER (for herself, Mr. LIEBERMAN, Mr. HARKIN, Mr. OBAMA, and Mr. KENNEDY) 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 2289. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. BINGAMAN, Mr. FEINGOLD, and Mr. CASEY) 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 2290. 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 2291. Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAIG, and Mr. CRAPO) 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 2292. 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 2293. 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 2294. 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 2295. Mr. BOND (for himself and Mr. ROCKEFELLER) 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 2296. Mr. BOND (for himself and Mr. ROCKEFELLER) 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 2297. Mr. BOND (for himself and Mr. ROCKEFELLER) 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 2298. Mr. BOND 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 2299. Ms. SNOWE (for herself and Mr. KERRY) 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 2300. Ms. SNOWE 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 2301. Ms. SNOWE 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 2302. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. T4Coburn) 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 2303. Mr. DEMINT 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 2304. 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 2305. Mrs. DOLE 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 2306. Mrs. DOLE 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 2307. Mr. ENZI (for himself and Mr. BARRASSO) 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 2308. Mr. SCHUMER 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 2309. Mr. BIDEN (for himself, Mr. DODD, and Mrs. T4Dole) 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 2310. Mr. SALAZAR 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 2311. Ms. LANDRIEU 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 2312. Ms. MURKOWSKI 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 2313. Mr. HATCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2270. 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 B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) In recent months, government testing and surveys of commercially available small arms have identified alternative rifles and carbines that, like the M4 carbine, meet or exceed existing performance and maintenance requirements for the Armed Forces.

(6) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than August 31, 2007, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(6).

(c) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on best weapon performance in light of the capabilities identified to be required in the Capabilities Based Assessment.

(d) TERMINATION OF SOLE SOURCE CONTRACT FOR M4 CARBINE RIFLE.—In the event the Capabilities Based Assessment does not identify gaps in the current capabilities of the small arms of the Army or the Secretary of the Army determines not to procure a new individual weapon to address such gaps, the Secretary shall—

(1) terminate the sole source contract for the M4 carbine rifle effective June 1, 2009; and

(2) satisfy all current requirements for the carbine as of that date through one or more contracts entered into thereafter after full and open competition.

SA 2271. 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 title XII, add the following:

Subtitle D—Advancement of International Security Through Partnerships

SEC. 1251. BUILDING OF CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES TO CONDUCT COUNTERTERRORISM AND OTHER OPERATIONS CONSISTENT WITH THE SECURITY INTERESTS OF THE UNITED STATES.

(a) BUILDING OF CAPACITY.—

(1) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1201 of this Act, is further amended by adding at the end the following new section:

"§ 409. Building of capacity of foreign military and security forces to conduct counterterrorism and other security operations

"(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out programs to build the capacity of the national military forces and other security forces (including the gendarmerie, constabulary, internal defense, infrastructure protection, civil defense, homeland defense, coast guard, border protection, and counterterrorism forces) of a foreign country in order for that country to—

"(1) conduct counterterrorist operations; or

"(2) participate in or support military and stability operations that are consistent with the security interests of the United States.

"(b) SCOPE OF AUTHORITY.—(1) A program authorized by subsection (a) may be carried out by grant or other appropriate mechanism, and may include the provision of equipment, supplies, and training, and minimal construction incidental to the provision of equipment.

"(2) In carrying out a program authorized by subsection (a), the armed forces may participate in training activities authorized by section 2011 of this title in a foreign country where training pursuant to such section is ongoing.

"(c) REQUIRED ELEMENTS.—Any program carried out under subsection (a) shall include elements that promote—

"(1) the observance of and respect for human rights and fundamental freedoms; and

"(2) respect for legitimate civilian authority within the foreign country concerned.

"(d) AVAILABILITY OF FUNDS.—(1) Funds available to the Department of Defense shall be available for carrying out programs authorized by subsection (a).

"(2) The total amount of funds that may be utilized under this subsection in any fiscal year for programs authorized by subsection (a) may not exceed $750,000,000.

"(3) Amounts available for the authority in subsection (a) for a fiscal year may be used

for programs under that authority that begin in that fiscal year but end in the next fiscal year.

''(e) FORMULATION AND EXECUTION OF PROGRAM.—The Secretary of Defense and the Secretary of State shall jointly formulate any program to be carried out under the authority in subsection (a). The Secretary of Defense shall coordinate with the Secretary of State in carrying out any program so authorized.

''(f) NOTICE TO CONGRESS.—Not later than 15 days before commencing a program authorized by subsection (a), the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a notice containing the following:

''(1) The country in which the program is to be carried out.

''(2) The proposed schedule (including any implementation timelines and milestones, and the completion date) for the program.

''(3) The proposed funding for the program, including the source of funds for the program.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

''409. Building of capacity of foreign military and security forces to conduct counterterrorism and other security operations.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1252. PROVISION BY THE DEPARTMENT OF DEFENSE OF SERVICES, ARTICLES, AND FUNDS TO OTHER GOVERNMENT AGENCIES FOR SUPPORT OF SECURITY AND STABILIZATION ASSISTANCE.

(a) CONSTRUCTION WITH OTHER PROVISIONS.—Section 1202 and the amendments made by that section shall not take effect.

(b) PROVISION AUTHORIZED.—

(1) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1251 of this Act, is further amended by adding at the end the following new section:

''§ 410. Security and stabilization assistance: provision of services, articles, and funds to other government agencies for support of assistance

''(a) IN GENERAL.—The Secretary of Defense may provide services to, and transfer defense articles and funds to, the Secretary of State or, at the request and with the concurrence of the Secretary of State, to the head of any other department or agency of the United States Government, for the purposes of facilitating the provision by the Secretary of State or head of such other department or agency, as applicable, of reconstruction, security, or stabilization assistance to a foreign country.

''(b) LIMITATION.—The aggregate value of all services, defense articles, and funds provided or transferred to the Secretary of State or the head of any other department or agency of the United States Government under this section in any fiscal year may not exceed $500,000,000.

''(c) AVAILABILITY OF FUNDS.—Any funds transferred to the Secretary of State or the head of any other department or agency of the United States Government under this section may remain available until expended.

''(d) NOTICE TO CONGRESS.—(1) Whenever the Secretary of Defense exercises the authority in subsection (a), the Secretary shall, at the time the authority is exercised, notify the appropriate committees of Congress of the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

''(2) Any notification under paragraph (1) shall include a description of—

''(A) the services, defense articles, or funds provided or transferred to the Secretary of State or the head of the department or agency of the United States Government concerned; and

''(B) the head of the receiving department or agency and the purpose for which such services, defense articles, and funds will be used.

''(e) APPLICABILITY OF OTHER LAWS.—Any services, defense articles, or funds provided or transferred to the Secretary of State or the head of another department or agency of the United States Government under the authority in subsection (a) that the Secretary of State or the head of such other department or agency, as applicable, uses to provide reconstruction, security, or stabilization assistance to a foreign country shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control Act, or any law making appropriations to carry out such Acts.

''(f) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

''(2) The term 'defense article' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

''410. Security and stabilization assistance: provision of services, articles, and funds to other government agencies for support of assistance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1253. AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT OF MILITARY OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1252 of this Act, is further amended by adding at the end the following new section:

''§ 411. Support of military operations to combat terrorism

''(a) AUTHORITY.—(1) The Secretary of Defense may use funds available to the Department of Defense to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

''(2) The Secretary may use funds under this section only with the concurrence of the Chief of Mission concerned.

''(3) The total amount of funds used under this section in any fiscal year may not exceed $25,000,000.

''(b) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the congressional defense committees, in writing, of the exercise of the authority in subsection (a) with respect to a military operation not later than 48 hours after so exercising the authority. Notice of the exercise of the authority under subsection (a) with respect to a military operation is only required once with respect to such operation.

''(c) NO AUTHORIZATION FOR COVERT ACTIONS.—This section does not constitute authority to conduct a covert action (as that term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413(e))).

''(d) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under subsection (a) during that fiscal year. Each report shall describe the support provided during the fiscal year concerned, including a statement of the recipient of the support and the amount of support provided.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

''411. Support of military operations to combat terrorism.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1254. PERMANENT AUTHORITY FOR THE COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1253 of this Act, is further amended by adding at the end the following new section:

''§ 412. Commanders' Emergency Response Program

''(a) AUTHORITY.—Funds made available to the Department of Defense for any fiscal year for the Commanders' Emergency Response Program may be used by the Secretary of Defense in such fiscal year to provide funds for the following:

''(1) The Commanders' Emergency Response Program in Iraq and Afghanistan.

''(2) A similar program to assist the people of any developing country where United States forces are operating.

''(b) QUARTERLY REPORT.—Not later than 15 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

''(c) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funds available for the Commanders' Emergency Response Program (including for a program referred to in subsection (a)(2)), the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

''(d) GUIDANCE.—In the event any modification is made after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 in the guidance issued to the armed forces by the Under Secretary of Defense (Comptroller) on February 18, 2005, concerning the allocation of funds through the Commanders' Emergency Response Program, the Secretary of Defense shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

''(e) EXECUTION OF PROGRAM.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the Secretary of Defense and the Secretary of State shall jointly develop procedures for the exercise of the authority in this section. Such procedures shall provide for the expeditious coordination between the Department of Defense and the Department of State to achieve agile, appropriate, and effective use of the authority under this section to promote the security interests of the United States.

''(f) COMMANDERS' EMERGENCY RESPONSE PROGRAM DEFINED.—In this section, the term 'Commanders' Emergency Response Program' means the program established by the Administrator of the Coalition Provisional Authority 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.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title, as so amended, is further amended by adding at the end the following new item:

''412. Commanders' Emergency Response Program.''.

SEC. 1255. AVAILABILITY FOR CERTAIN STABILIZATION ACTIVITIES OF FUNDS AVAILABLE FOR HUMANITARIAN ASSISTANCE.

(a) IN GENERAL.—Section 2561(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Funds available under paragraph (1) are also available for stabilization activities in a country upon the concurrence of the Chief of Mission in that country.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1256. EXPANSION OF DEPARTMENT OF DEFENSE REWARDS PROGRAM FOR ASSISTANCE IN COMBATING TERRORISM.

(a) CONSTRUCTION WITH OTHER PROVISIONS.—Section 1021 and the amendments made by that section shall not take effect.

(b) SCOPE OF AUTHORITY.—Subsection (a) of section 127b of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''and, with the concurrence of the applicable Chief of Mission, government personnel of coalition nations and nations in which the armed forces are stationed or operating,'' after ''personnel'';

(2) in paragraph (1), by inserting after ''armed forces'' the following: '', or of coalition forces or forces of a country in which the armed forces are stationed or operating,''; and

(3) in paragraph (2), by inserting ''or of coalition forces or forces of a country in which the armed forces are stationed or operating'' after ''forces''.

(c) INCREASE IN AMOUNT OF REWARD.—Subsection (b) of such section is amended by striking ''$200,000'' and inserting ''$5,000,000''.

(d) DELEGATION OF AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking ''$50,000'' and inserting ''$1,000,000''; and

(2) by adding at the end the following new paragraph:

''(3) An official to whom authority is delegated under paragraph (1) or (2) may use such authority, acting through government personnel of coalition nations and nations in which the armed forces are stationed or operating, to offer and make rewards.''.

(e) AWARDS SUBJECT TO CONSULTATION WITH SECRETARY OF STATE.—Subsection (d)(2) of such section is amended by striking ''$100,000'' and inserting ''$2,000,000''.

SEC. 1257. REDESIGNATION OF SPECIAL DEFENSE ACQUISITION FUND AND MODIFICATION OF AUTHORITIES APPLICABLE TO THE FUND.

(a) REDESIGNATION OF FUND.—

(1) IN GENERAL.—Paragraph (1) of subsection (a) of section 51 of the Arms Export Control Act (22 U.S.C. 2795) is amended by striking ''Special Defense Acquisition Fund'' and inserting ''Defense Coalition Support Fund''.

(2) CONFORMING AMENDMENTS.—The Arms Export Control Act is further amended by striking ''Special Defense Acquisition Fund'' each place it appears and inserting ''Defense Coalition Support Fund''.

(3) CLERICAL AMENDMENTS.—

(A) CHAPTER HEADING.—The heading of chapter 5 of such Act is amended to read as follows:

''CHAPTER 5—DEFENSE COALITION SUPPORT FUND''.

(B) SECTION HEADING.—The heading of section 51 of such Act is amended by striking ''SPECIAL DEFENSE ACQUISITION FUND'' and inserting ''DEFENSE COALITION SUPPORT FUND''.

(4) REFERENCES.—Any reference to the Special Defense Acquisition Fund in a law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Defense Coalition Support Fund.

(b) MODIFICATION OF AUTHORITIES.—

(1) CONCURRENCE OF SECRETARY OF STATE IN OPERATION.—Paragraph (1) subsection (a) of section 51 of the Arms Export Control Act is further amended by striking ''in consultation with'' and inserting ''with the concurrence of''.

(2) DEPARTMENT OF DEFENSE CONTROL AND MANAGEMENT.—Such paragraph is further amended by inserting ''and management'' after ''control''.

(3) ADDITIONAL PURPOSES.—Such subsection is further amended—

(A) in paragraph (1)—

(i) by inserting ''temporary use or'' after ''anticipation of their''; and

(ii) by inserting ''for purposes including support of coalition or international military stability or counter-terrorist operations'' after ''international organizations'';

(B) in paragraph (3), by inserting ''temporary use or'' before ''transfer''; and

(C) in paragraph (4)—

(i) by striking ''narcotics control purposes'' and inserting ''building partner capacity''; and

(ii) by striking '', such as small boats, planes (including helicopters), and communication equipment''.

(4) ELEMENTS OF FUND.—Subsection (b) of such section is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by inserting after paragraph (3) the following new paragraphs:

''(4) collections from leases made pursuant to section 61 of this Act, and

''(5) contributions of money or property from any United States or foreign person or entity, foreign government, or international organization for use for purposes of the Fund,''; and

(C) in the matter after paragraph (5), as added by subparagraph (B) of this paragraph, by inserting ''to the Department of State or the Department of Defense'' after ''authorized and appropriated''.

(5) SIZE OF FUND.—

(A) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

''(c)(1) Except during a period of active hostilities, the value of defense articles or other property acquired by the Secretary of Defense under this chapter and held in inventory for purposes of this chapter may not exceed $200,000,000.

''(2) Amounts credited or otherwise made available to the Fund under subsection (b) shall remain available until expended.''.

(B) CONFORMING AMENDMENTS.—Section 114 of title 10, United States Code, is amended—

(i) by striking subsection (c); and

(ii) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(6) TRANSFER OF AMOUNTS IN FUND.—Section 51 of the Arms Export Control Act is further amended by adding at the end the following new subsection:

''(d) In order to carry out the purposes of the Fund, amounts in the Fund may be transferred to any current appropriation, fund, or account of the Department of Defense or the Department of State. Any amounts so transferred shall be merged with the appropriation, fund, or account to which transferred, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in the appropriation, fund, or account to which transferred.''.

(7) USE AND TRANSFER OF ITEMS PROCURED BY FUND.—Section 52 of the Arms Export Control Act (22 U.S.C. 2795a) is amended—

(A) in subsection (a), by inserting ''(including for temporary use)'' after ''transferred''; and

(B) in subsection (b), by striking ''The President may authorize'' and inserting ''The Secretary of Defense may, with the concurrence of the Secretary of State, authorize''.

SEC. 1258. NONRECIPROCAL EXCHANGES OF CIVILIAN AND MILITARY PERSONNEL UNDER MILITARY-TO-MILITARY CONTACT AUTHORITY.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9) The exchange of personnel described in paragraph (3) or (4) on a nonreciprocal basis if the Secretary of Defense determines that such an exchange is in the interests of the Department of Defense.''.

SEC. 1259. EXPANSION OF AUTHORITY TO PROVIDE SERVICES AND SUPPORT AND PAY EXPENSES OF COALITION LIAISON OFFICERS.

(a) EXPANSION OF OFFICERS ELIGIBLE.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking ''involved in a coalition'' and inserting ''involved in a military operation''; and

(2) by striking ''a coalition operation'' and inserting ''a military operation''.

(b) PAYMENT OF CERTAIN MEDICAL EXPENSES.—Subsection (b) of such section is amended—

(1) by striking the heading and inserting ''TRAVEL AND SUBSISTENCE, MEDICAL, PERSONAL, AND OTHER EXPENSES.—''; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(C) Expenses of civilian medical care when adequate medical care is not available to that officer at local military medical facilities and the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States, except that such expenses may not be paid under this subparagraph if the medical care concerned is otherwise available to that officer pursuant to any international agreement or treaty.''.

(c) PAYMENT OF TEMPORARY DUTY TRAVEL EXPENSES.—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

''(3) In addition to expenses payable under paragraph (1), the Secretary may also pay

the mission-related travel expenses of any liaison officer described in subsection (a) when such travel is in support of United States national interests and the commander of the headquarters to which the liaison officer is temporarily assigned directs round-trip travel from the headquarters to one or more locations.''.

(d) DEFINITIONS.—Subsection (d) of such section is amended to read as follows:

''(d) ADMINISTRATIVE SERVICES AND SUPPORT DEFINED.—In this section, the term 'administrative services and support' includes base or installation support services, office space, utilities, copying services, fire and police protection, and computer support.''.

(e) PERMANENT AUTHORITY.—Such section is further amended by striking subsection (e).

(f) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051a. Liaison officers to United States miliary operations: administrative services and support; travel, subsistence, medical care, and other expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051a and inserting the following new item:

''1051a. Liaison officers to United States miliary operations: administrative services and support; travel, subsistence, medical care, and other expenses.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1260. GRANTS OF NON-LETHAL EXCESS DEFENSE ARTICLES BY GEOGRAPHIC COMBATANT COMMANDERS.

(a) GRANTS AUTHORIZED.—Chapter 6 of title 10, United States Code, is amended by inserting after section 166b the following new section:

''§ 166c. Combatant commands: authority of geographic combatant commanders to transfer non-lethal excess defense articles

''(a) AUTHORITY.—The commander of a combatant command with a geographic area of responsibility may, with the concurrence of the Secretary of State, transfer on a grant basis non-lethal excess defense articles to any country within that commander's geographic area of responsibility for the purpose of—

''(1) building the capacity of such country to conduct counterterrorist operations; or

''(2) permitting such country to participate in or support military and stability operations that are consistent with the security interests of the United States.

''(b) LIMITATIONS.—(1) A combatant commander may transfer defense articles under this section only if—

''(A) the articles are drawn from existing stocks of the Department of Defense;

''(B) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

''(C) the transfer of the articles will not have an adverse impact on the military readiness of the United States.

''(2) The total amount of defense articles that may be transferred to a country under this section in any fiscal year may not exceed $25,000.

''(c) TRANSPORTATION AND RELATED COSTS.—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be expended for crating, packing, handling, and transporting defense articles transferred under this section.

''(2) A combatant commander may provide for the transportation of defense articles transferred under this section without charge to a country for the costs of the transportation if—

''(A) the combatant commander determines that such transportation without charge is in the national interest of the United States;

''(B) the recipient country is a developing country;

''(C) the total weight of the transfer does not exceed 50,000 pounds; and

''(D) the transportation is carried out on a space available basis.

''(d) PROHIBITED TRANSFERS.—A combatant commander may not transfer defense articles under this section that are significant military equipment (as that term is defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9))).

''(e) APPLICABILITY TO COAST GUARD PROPERTY.—Excess property of the Coast Guard may be treated as excess defense articles for purposes of this section.

''(f) EXCESS DEFENSE ARTICLES DEFINED.—In this section, the term 'excess defense articles' has the meaning given that term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 166b the following new item:

''166c. Combatant commands: authority of geographic combatant commanders to transfer non-lethal excess defense articles.''.

SEC. 1261. DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY.

(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the Armed Forces and military and civilian personnel of friendly foreign nations, the Secretary of Defense may, with the concurrence of the Secretary of State—

(1) provide to personnel referred to in subsection (b) electronic distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

(1) Internet-based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

(e) GUIDANCE ON DISTRIBUTION.—

(1) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance on the procedures for the use of the authority in subsection (a).

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after prescribing the guidance required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth such guidance.

(3) MODIFICATION.—If the Secretary modifies the guidance prescribed under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

(f) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the end of any fiscal year in which the authority in subsection (a) is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the use of such authority during such fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A statement of the recipients of learning content and information technology under this section.

(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

SEC. 1262. PROVISION OF AUTOMATIC IDENTIFICATION SYSTEM INFORMATION ON MARITIME SHIPPING TO FOREIGN COUNTRIES.

(a) PROVISION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the Secretaries of the military departments and the commanders of combatant commands with a geographic area of responsibility to exchange or furnish automatic identification system data broadcast by merchant or private ships and collected by the United States to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

(b) PROVISION AT NO COST TO RECIPIENT.—Data may be exchanged or furnished under subsection (a) without cost to the recipient country or international organization.

(c) CONSISTENCY WITH INTERNATIONAL LAW.—Any exchange or furnishing of data under subsection (a) shall be consistent with applicable international law.

(d) AUTOMATIC IDENTIFICATION SYSTEM DEFINED.—In the section, the term ''automatic identification system'' means a system that is used to satisfy the Automatic Identification System requirements of the regulations for purposes of the International Convention for the Safety of Life at Sea, done at London, June 17, 1960 (16 UST 185).

SEC. 1263. ENHANCEMENT OF PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) CONSTRUCTION WITH OTHER PROVISIONS.—Section 1214 and the amendments made by that section shall not take effect.

(b) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces

and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are as follows:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

''(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memorandum of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) The amount available under paragraph (1)(A) for expenses referred to in that paragraph may not exceed $5,000,000 in any fiscal year.

''(3) No funds may be used under this subsection to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(f) REPORT ON USE OF AUTHORITY.—(1) Not later than 30 days after the end of any fiscal year in which the authority in subsection (a) is used, 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 use of such authority during that fiscal year.

''(2) The report required by paragraph (1) shall include the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority in subsection (a) during the fiscal year covered by the report.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or Department of Defense civilian personnel, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or Department of Defense civilian personnel; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center, and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(g) DEFINITIONS.—In this section:

''(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Department of Defense as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of United States forces and the militaries of friendly foreign nations by providing such personnel opportunities to—

''(A) enhance education and training;

''(B) improve interoperability and capabilities;

''(C) assist in the development of doctrine; and

''(D) validate concepts through experimentation.

''(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally by the Secretary of Defense, with the concurrence of the Secretary of State, under section 2350a of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''Sec. 2350m. Participation in multinational military centers of excellence.''.

SEC. 1264. TEMPORARY LOAN OF SIGNIFICANT MILITARY EQUIPMENT.

(a) CONSTRUCTION WITH OTHER PROVISIONS.—Section 1212 and the amendments made by that section shall not take effect.

(b) TEMPORARY LOAN.—Section 2350(1) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Such term also includes temporary use, for not to exceed one year, of significant military equipment by security forces of nations participating in combined operations with the armed forces for personnel protection or to aid in personnel survivability, if the Secretary of Defense, with the concurrence of the Secretary of State, determines in writing that it is in the national security interests of the United States to authorize such use.''.

SEC. 1265. REIMBURSEMENT OF SALARIES OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES IN SUPPORT OF COMMERCIAL SALES OF DEFENSE ARTICLES AND SERVICES OVERSEAS.

Notwithstanding any limitation on the inclusion of salaries of members of the Armed Forces in the price or value of assistance under sections 503(a)(3) and 632(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311(a)(3), 2392(d)), the full cost of salaries of members of the reserve components of the Armed Forces may be included in calculating the price or value of assistance under such sections.

SA 2272. Mr. WEBB (for himself and Mr. WARNER) 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. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 50 U.S.C. 2301 note) is amended by striking ''June 30, 2007'' and inserting ''November 30, 2008''.

(b) COORDINATION OF WORK WITH DEPARTMENT OF HOMELAND SECURITY.—Section 1404 of such Act is amended by adding at the end the following new subsection:

''(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.''.

(c) LIMITATION ON DEPARTMENT OF DEFENSE FUNDING.—The aggregate amount of funds provided by the Department of Defense to the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack for purposes of the preparation and submittal of the final report required by section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as amended by subsection (a)), whether by transfer or otherwise and including funds provided the Commission before the date of the enactment of this Act, shall not exceed $5,600,000.

SA 2273. 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 III, add the following:

SEC. 325. CENTER FOR INTERNATIONAL ISSUES RESEARCH.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $7,400,000 may be available for the Center for International Issues Research.

SA 2274. Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr.

BIDEN, Mr. OBAMA, and Mrs. CLINTON)) 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. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

SA 2275. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON) proposed an amendment to amendment SA 2274 proposed by Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON)) 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:

In lieu of the language to be inserted, insert the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

This Section shall take effect one day after the date of this bill's enactment.

SA 2276. Mr. KOHL (for himself and Mr. WARNER) 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 VIII, add the following:

SEC. 876. GREEN PROCUREMENT POLICY.

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

(1) On September 1, 2004, the Department of Defense issued its green procurement policy. The policy affirms a goal of 100 percent compliance with Federal laws and executive orders requiring purchase of environmentally friendly, or green, products and services. The policy also outlines a strategy for meeting those requirements along with metrics for measuring progress.

(2) On September 13, 2006, the Department of Defense hosted a biobased product showcase and educational event which underscores the importance and seriousness with which the Department is implementing its green procurement program.

(3) On January 24, 2007, President Bush signed Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management, which contains the requirement that Federal agencies procure biobased and environmentally preferable products and services.

(4) Although the Department of Defense continues to work to become a leading advocate of green procurement, there is concern that there is not a procurement application or process in place at the Department that supports compliance analysis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Defense should establish a system to document and track the use of environmentally preferable products and services.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on its plan to increase the usage of environmentally friendly products that minimize potential impacts to human health and the environment at all Department of Defense facilities inside and outside the United States, including through the direct purchase of products and the purchase of products by facility maintenance contractors.

SA 2277. 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:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON WATER CONSERVATION PROJECTS.

(a) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the funding and effectiveness of water conservation projects at Department of Defense facilities.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description, by type, of the amounts invested or budgeted for water conservation projects by the Department of Defense in fiscal years 2006, 2007, and 2008;

(2) a description, by type, of the projected investments in water conservation proposed over the next five years;

(3) an assessment of the investment levels required to meet the water conservation requirements of the Department of Defense under Executive Order No. 13423 (January 24, 2007);

(4) an assessment of whether water conservation projects should continue to be funded within the Energy Conservation Investment Program or whether the water conservation efforts of the Department would be more effective if a separate water conservation investment program were established;

(5) an assessment of the demonstrated or potential reductions in water usage and return on investment of various types of water conservation projects, including the use of metering or control systems, xeriscaping, waterless urinals, utility system upgrades, and water efficiency standards for appliances used in Department of Defense facilities; and

(6) recommendations for any legislation, including any changes to the authority provided under section 2866 of title 10, United States Code, that would facilitate the water conservation goals of the Department, including the water conservation requirements of Executive Order No. 13423 and DoD Instruction 4170.11.

SA 2278. 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:

At the end of subtitle E of title XVIII, add the following:

SEC. 2854. LAND EXCHANGE, DETROIT, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CITY.—The term ''City'' means the city of Detroit, Michigan.

(3) CITY LAND.—The term ''City land'' means the approximately 0.741 acres of real property, including any improvement thereon, as depicted on the exchange maps, that is commonly identified as 110 Mount Elliott Street, Detroit, Michigan.

(4) COMMANDANT.—The term ''Commandant'' means the Commandant of the United States Coast Guard.

(5) EDC.—The term ''EDC'' means the Economic Development Corporation of the City of Detroit.

(6) EXCHANGE MAPS.—The term ''exchange maps'' means the maps entitled ''Atwater Street Land Exchange Maps'' prepared pursuant to subsection (h).

(7) FEDERAL LAND.—The term ''Federal land'' means approximately 1.26 acres of real property, including any improvements thereon, as depicted on the exchange maps, that is commonly identified as 2660 Atwater Street, Detroit, Michigan, and under the administrative control of the United States Coast Guard.

(8) SECTOR DETROIT.—The term ''Sector Detroit'' means Coast Guard Sector Detroit of the Ninth Coast Guard District.

(b) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard, in coordination with the Administrator, may convey to the EDC all right, title, and interest in and to the Federal land.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (b)—

(A) the City shall convey to the United States all right, title, and interest in and to the City land; and

(B) the EDC shall construct a facility and parking lot acceptable to the Commandant of the Coast Guard.

(2) EQUALIZATION PAYMENT OPTION.—

(A) IN GENERAL.—The Commandant of the Coast Guard may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

(B) AVAILABILITY OF FUNDS.—Any amounts received pursuant to subparagraph (A) shall be available without further appropriation and shall remain available until expended to construct, expand, or improve facilities related to Sector Detroit's aids to navigation or vessel maintenance.

(d) CONDITIONS OF EXCHANGE.—

(1) COVENANTS.—All conditions placed within the deeds of title shall be construed as covenants running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM DEED.—The Commandant may accept a quitclaim deed for the City land and may convey the Federal land by quitclaim deed.

(3) ENVIRONMENTAL REMEDIATION.—Prior to the time of the exchange, the Coast Guard and the City shall remediate any and all contaminants existing on their respective properties to levels required by applicable state and Federal law.

(e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit Riverfront Walk. Such license or lease shall be at no cost to the City and upon such other terms that are acceptable to the Commandant, and shall terminate upon the exchange authorized by this section, or the date specified in subsection (h), whichever occurs earlier.

(f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives maps, entitled ''Atwater Street Land Exchange Maps,'' which depict the Federal land and the City lands and provide a legal description of each property to be exchanged.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Coast Guard and the City of Detroit.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the exchange under this section as the Commandant considers appropriate to protect the interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to enter into an exchange authorized by this section shall expire 3 years after the date of enactment of this Act.

SA 2279. Mr. ENSIGN (for himself, Mr. COLEMAN, and Mr. CRAIG) 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. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) SUPPORT AS PART OF DRILL AND INSTRUCTION.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) ADDITIONAL SUPPORT.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any activities as follows:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN LAND BORDER OF THE UNITED STATES.—The term ''State along the southern land border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(h) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

SA 2280. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2165 submitted by Mr. BOND (for himself and Mr. LEAHY) 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:

TITLE XVI—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment Act of 2007''.

SEC. 1602. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(2) PURPOSE.—Subsection (b) of such section is amended by striking ''between'' and all that follows and inserting ''between—

''(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

''(2) the several States.''.

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting ''to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff,'' after ''principal adviser''.

(2) GRADE.—Subsection (d) of such section is amended by striking ''lieutenant general'' and inserting ''general''.

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

''(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.''.

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.''.

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter''.

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

''10503. Functions of National Guard Bureau: charter.

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 1603. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1604. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).''.

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1605. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1606. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1607. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Each report under this section concerning equipment of the National Guard shall also include the following:

''(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

''(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

''(A) for which funds were appropriated;

''(B) which was due to be procured for the National Guard during that fiscal year; and

''(C) which has not been received by a National Guard unit as of the close of that fiscal year.''.

SA 2281. 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 congressional defense committees 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 2282. 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 to facilitate access to services supporting their health and well-being 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. The Center may also enter into partnerships with other public entities, including, but not limited to, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, for access to necessary substance abuse and mental health treatment services from local State-licensed service providers.

(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 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 Affiars, 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 or 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 2283. Mr. BAUCUS (for himself and Mr. TESTER) 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 XXVIII, insert the following:

SEC. 2854. RIGHT OF RECOUPMENT RELATED TO LAND CONVEYANCE, HELENA, MONTANA.

Section 2843(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3525) is amended to read as follows:

''(b) EFFECT OF RECONVEYANCE OR LEASE.—

''(1) RECONVEYANCE.—If, at any time during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

''(2) LEASE.—The Secretary may treat a lease of property conveyed under subsection (a) within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).''.

SA 2284. Mrs. BOXER 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 subtitle B of title V, add the following:

SEC. 522. LIMITATION ON ENLISTMENT OF FELONS IN THE ARMED FORCES.

Notwithstanding the second sentence of section 504(a) of title 10, United States Code, or any other provision of law, in any fiscal year the percentage of the total number of individuals enlisting in an Armed Force who are individuals convicted of a felony may not exceed the percentage of the total number of individuals enlisting in such Armed Force in fiscal year 2001 who were individuals convicted of a felony, except pursuant to a law enacted by Congress after the date of the enactment of this Act.

SA 2285. Mrs. BOXER 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 subtitle D of title III, add the following:

SEC. 358. REPORTS ON NATIONAL GUARD READINESS FOR DOMESTIC EMERGENCIES.

(a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(9) An assessment of the extent to which the National Guard possesses the equipment required to respond to domestic emergencies, including large scale, multi-State disasters and terrorist attacks.

''(10) An assessment of the shortfalls, if any, in National Guard equipment throughout the United States, and an assessment of the effect of such shortfalls on the capacity of the National Guard to respond to domestic emergencies.

''(11) Strategies and investment priorities for equipment for the National Guard to ensure that the National Guard possesses the equipment required to respond in a timely and effective way to domestic emergencies.''.

(b) INCLUSION OF NATIONAL GUARD READINESS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.—Section 482 of such title is amended—

(1) in subsection (a), by striking ''and (e)'' and inserting ''(e), and (f)'';

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

''(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—(1) Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

''(2) Any information in a report under this subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor of that State.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to reports submitted after the date of the enactment of this Act.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—As part of the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted under section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary to achieve the implementation of the amendments made by this section.

(2) ELEMENTS.—The report under paragraph (1) shall include a description of the mechanisms to be utilized by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the States.

SA 2286. Mrs. BOXER 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 subtitle D of title X, add the following:

SEC. 1044. REPORT ON EMPLOYMENT AND REEMPLOYMENT DISCRIMINATION COMPLAINTS OF RESERVES RECEIVED BY DEPARTMENT OF DEFENSE UNDER THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The number of complaints in aggregate received by the Department of Defense under this chapter during the fiscal year for which the report is made regarding violations of the employment and reemployment rights of Reserves under this chapter.''; and

(3) in paragraph (5), as so redesignated, by striking ''(2), or (3)'' and inserting ''(2), (3), or (4)''.

SA 2287. Mrs. BOXER 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 subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON WAIVERS FOR ENLISTMENT IN THE ARMED FORCES.

(a) IN GENERAL.—Not later than April 1, 2008, the Comptroller General of the United States shall submit to Congress a report on the moral, medical, aptitude, and other waivers for enlistment in the Armed Forces that have been granted by the Secretaries of the military departments since the onset of combat operations in Afghanistan on October 7, 2001.

(b) COMPARATIVE EVALUATION.—For purposes of preparing the report, the Comptroller General shall evaluate the waivers described in subsection (a) that were granted during each of fiscal years 2000 and 2001.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The number of waivers described in that subsection that have been granted each fiscal year for each Armed Force, including—

(A) the total number granted for each Armed Force; and

(B) the number of each type granted, whether moral, medical, aptitude, or other.

(2) An assessment of the soundness of the review process utilized by each military department for the granting of such waivers.

(3) A statement of the reasons for any increase in such waivers granted by fiscal year.

(4) An assessment of the effects of the granting of such waivers on the Armed Forces, including the particular effects of the increase in the number of such waivers over time.

SA 2288. Mrs. BOXER (for herself, Mr. LIEBERMAN, Mr. HARKIN, Mr. OBAMA, and Mr. KENNEDY) 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. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—The Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) as soon as practicable to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of resilience.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(9) The movement of clinical psychologists and clinical social workers into the professional YH medical career group of the National Security Personnel System established pursuant to section 9902 of title 5, United States Code.

(c) RECOMMENDATIONS REQUIRING STATUTORY CHANGES.—The Secretary of Defense shall submit to the congressional defense committees as part of the plan required by subsection (f) of section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) a description of any statutory changes necessary to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) PROGRESS REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every three months thereafter, the Secretary of Defense shall submit to the congressional defense committees a progress report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

SA 2289. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Mr. ROCKEFELLER, Mr. SCHUMER, Mr.

BINGAMAN, Mr. FEINGOLD, and Mr. CASEY) 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 subtitle H of title V, add the following:

SEC. 594. AWARD OF PURPLE HEART FOR PRISONERS OF WAR WHO DIE IN CAPTIVITY.

(a) PERSONS NOT OTHERWISE ELIGIBLE FOR THE PURPLE HEART.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Purple heart: members who die while prisoners of war that are not otherwise eligible under the circumstances causing death

''(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

''(b) A member described in this subsection is a member who dies in captivity under circumstances establishing eligibility for the prisoner-of-war medal under section 1128 of this title but not under circumstances establishing eligibility for the Purple Heart.

''(c) This section applies to members of the armed forces who die on or after December 7, 1941. In the case of a member who dies as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following new item:

''1135. Purple Heart: members who die while prisoners of war that are not otherwise eligible under the circumstances causing death''.

SA 2290. 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 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 the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, 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 or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

SA 2291. Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAIG, and Mr. CRAPO) 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 III, add the following:

SEC. 358. REPORT ON SEARCH AND RESCUE CAPABILITIES OF AIR FORCE IN NORTHWESTERN UNITED STATES.

(a) REPORT.—Not later than April 1, 2008, the Secretary of the Air Force shall submit to the appropriate congressional committees a report on the search and rescue capabilities of the Air Force in the northwestern United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the search and rescue capabilities required to support Air Force operations and training.

(2) A description of the compliance of the Air Force with the 1999 United States National Search and Rescue Plan (NSRP) for Washington, Oregon, Idaho, and Montana.

(3) An inventory and description of search and rescue assets of the Air Force that are available to meet such requirements.

(4) A description of the utilization during the previous three years of such search and rescue assets.

(5) The plans of the Air Force to meet current and future search and rescue requirements in the northwestern United States, including with respect to risk assessment services for Air Force missions and compliance with the NSRP.

(c) USE OF REPORT FOR PURPOSES OF CERTIFICATION REGARDING SEARCH AND RESCUE CAPABILITIES.—Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is amended by striking ''unless the Secretary first certifies'' and inserting ''unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under section 358 of the National Defense Authorization Act for Fiscal Year 2008, first certifies''.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives.

SA 2292. 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 title III, add the following:

SEC. 358. CONTINUITY OF DEPOT OPERATIONS TO RESET COMBAT EQUIPMENT AND VEHICLES IN SUPPORT OF WARS IN IRAQ AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Armed Forces, particularly the Army and the Marine Corps, are currently engaged in a tremendous effort to reset equipment that was damaged and worn in combat operations in Iraq and Afghanistan.

(2) The implementing guidance from the Under Secretary of Defense for Acquisition, Technology, and Logistics related to the decisions of the 2005 Defense Base Closure and Realignment Commission (BRAC) to transfer depot functions appears not to differentiate between external supply functions and in-process storage functions related to the performance of depot maintenance.

(3) Given the fact that up to 80 percent of the parts involved in the vehicle reset process are reclaimed and refurbished, the transfer of this inherently internal depot maintenance function to the Defense Logistics Agency could severely disrupt production throughput, generate increased costs, and negatively impact Army and Marine Corps equipment reset efforts.

(4) The goal of the Department of Defense, the Defense Logistics Agency, and the 2005 Defense Base Closure and Realignment Commission is the reengineering of businesses processes in order to achieve higher efficiency and cost savings.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the challenges of implementing the transfer of depot functions and the impacts on production, including parts reclamation and refurbishment.

(2) CONTENT.—The report required under paragraph (1) shall describe—

(A) the sufficiency of the business plan to transfer depot functions to accommodate a timely and efficient transfer without the disruption of depot production;

(B) a description of the completeness of the business plan in addressing part reclamation and refurbishment;

(C) the estimated cost of the implementation and what savings are likely be achieved;

(D) the impact of the transfer on the Defense Logistics Agency and depot hourly rates due to the loss of budgetary control of the depot commander over overtime pay for in-process parts supply personnel, and any other relevant rate-related factors;

(E) the number of personnel positions affected;

(F) the sufficiency of the business plan to ensure the responsiveness and availability of

Defense Logistics supply personnel to meet depot throughput needs, including potential impact on depot turnaround time; and

(G) the impact of Defense Logistics personnel being outside the chain of command of the depot commander in terms of overtime scheduling and meeting surge requirements.

(3) GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT.—Not later than September 30, 2008, the Comptroller General of the United States shall review the report submitted under paragraph (1) and submit to the congressional defense committees an independent assessment of the matters addressed in such report, as requested by the Chairman of the Committee on Armed Services of the House of Representatives.

SA 2293. 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 D of title I, add the following:

SEC. 143. TRANSFER TO GOVERNMENT OF IRAQ OF THREE C–130E TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may transfer not more than three C-130E tactical airlift aircraft, allowed to be retired under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), to the Government of Iraq.

SA 2294. 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) ACQUISITION WORKFORCE ASSESSMENT AND PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an assessment and plan for addressing gaps in the acquisition workforce of the Department of Defense.

(2) CONTENT OF ASSESSMENT.—The assessment developed under paragraph (1) shall identify—

(A) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

(B) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to subparagraph (A).

(3) CONTENT OF PLAN.—The plan developed under paragraph (1) shall establish specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department of Defense to address the gaps in skills and competencies identified under paragraph (2). The plan shall include—

(A) specific recruiting and retention goals; and

(B) specific strategies for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

(4) ANNUAL UPDATES.—Not later than March 1 of each year from 2009 through 2012, the Secretary of Defense shall update the assessment and plan required by paragraph (1). Each update shall include the assessment of the Secretary of the progress the Department has made to date in implementing the plan.

(5) SPENDING OF AMOUNTS IN FUND IN ACCORDANCE WITH PLAN.—Beginning on October 1, 2008, amounts in the Fund shall be expended in accordance with the plan required under paragraph (1) and the annual updates required under paragraph (4).

(6) REPORTS.—Not later than 30 days after developing the assessment and plan required under paragraph (1) or preparing an annual update required under paragraph (4), the Secretary of Defense shall submit to the congressional defense committees a report on the assessment and plan or annual update, as the case may be.

SA 2295. Mr. BOND (for himself and Mr. ROCKEFELLER) 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 1063.

SA 2296. Mr. BOND (for himself and Mr. ROCKEFELLER) 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 305, line 16, strike ''a summary'' and insert ''an unclassified summary''.

SA 2297. Mr. BOND (for himself and Mr. ROCKEFELLER) 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 304, beginning on line 20, strike ''that is similar to that provided for defense counsel in a military commission under section 949j of title 10, United States Code;'' and insert ''that is consistent with the procedures to obtain witnesses and other evidence under section 949j of title 10, United States Code;''.

SA 2298. Mr. BOND 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 1064 and insert the following:

SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

''SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

''(2) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

''(3) COVERED PERSON.—The term 'covered person' means—

''(A) an officer or employee of a Federal agency;

''(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

''(C) an officer or employee of a contractor of a Federal agency.

''(4) RESTRICTED DATA.—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(5) SPECIAL ACCESS PROGRAM.—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order 12958 (60 Fed. Reg. 19825).

''(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is—

''(1) an unlawful user of, or is addicted to, a controlled substance; or

''(2) mentally incompetent, as determined by a mental health professional approved by the applicable Federal agency.

''(c) DISQUALIFICATION.—

''(1) IN GENERAL.—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who has been—

''(A) convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year; or

''(B) discharged or dismissed from the Armed Forces under dishonorable conditions.

''(2) WAIVER AUTHORITY.—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive Order or other guidance issued by the President.

''(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

''(A) special access programs;

''(B) Restricted Data; or

''(C) any other information commonly referred to as 'sensitive compartmented information'.

''(4) ANNUAL REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the congressional intelligence committees and to each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency, if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at th beginning of chapter 49 of such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

SA 2299. Ms. SNOWE (for herself and Mr. KERRY) 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:

On page 235, between lines 6 and 7, insert the following:

(4) For any action addressed under paragraph (3)—

(A) the impact of that action on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) how contractors and subcontractors that are small business concerns may assist in addressing any such disadvantage.

SA 2300. Ms. SNOWE 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:

On page 351, strike lines 7 through 10 and insert the following:

(v) the Committee on Foreign Relations;

(vi) the Committee on Small Business and Entrepreneurship; and

(vii) the Select Committee on Intelligence.

SA 2301. Ms. SNOWE 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. 10____. HUBZONES.

(a) DESIGNATION AS A HUBZONE.—

(1) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(A) in paragraph (4)(D)—

(i) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and adjusting the margin accordingly;

(ii) by striking ''means lands'' and inserting the following ''means—

''(i) lands''; and

(iii) by striking the period at the end and inserting the following: ''; and

''(ii) during the applicable period, areas adjacent to or within commuting distance of lands described in clause (i) that are directly economically affected by the closing of a military installation, as determined by the Secretary of Housing and Urban Development.''; and

(B) by adding at the end the following:

''(8) APPLICABLE PERIOD.—The term 'applicable period'—

''(A) means the 2-year period beginning on the date on which the Secretary of Housing and Urban Development makes the relevant determination described in paragraph (4)(D)(ii); and

''(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subparagraph (A).''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to the closing of any military installation that occurs on or after the date that is 5 years before the date of enactment of this Act.

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

''(iii)(I) For purposes of this subparagraph, if an area is designated as a HUBZone under section 3(p)(4)(D)(ii)), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

''(aa) that is participating in any program, activity, or contract under section 8(a); and

''(bb) the principal place of business of which is located in that area.

''(II) The time period for purposes of subclause (I) shall be—

''(aa) the 2-year period beginning on the date on which the Secretary of Housing and Urban Development makes the relevant determination described in section 3(p)(4)(D)(ii); and

''(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).''.

SA 2302. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. COBURN) 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. INAPPLICABILITY OF LIMITATIONS ON RETIREMENT TO AIRCRAFT PREVIOUSLY CLASSIFIED AS IN ''XJ'' STATUS.

No prohibition or limitation on the retirement of aircraft under this subtitle, or under any other provision of law, shall apply with respect to any aircraft classified as in ''XJ'' status before the date of the enactment of this Act.

SA 2303. Mr. DEMINT 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 of C of title XXVIII, add the following:

SEC. 2836. RIGHT OF FIRST REFUSAL FOR LOCAL ENTITIES TO PURCHASE REAL PROPERTY COVERED BY JOINT USE AGREEMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2697. Right of first refusal for local entities to purchase real property covered by joint use agreements

''(a) RIGHT OF FIRST REFUSAL.—The Secretary of a military department may not convey any real property at a military installation located in the continental United States that is subject to a joint use agreement with a State or local governmental entity to any other non-Federal agency until the State or local governmental entity that is party to such agreement has been offered the right of first refusal to such property and has declined to purchase such property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2696 the following new item:

''2697. Right of first refusal for local entities to purchase real property covered by joint use agreements.''.

SA 2304. 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 E of title X, add the following:

SEC. 1070. IMPROVED HOUSING BENEFITS FOR DISABLED MEMBERS OF THE ARMED FORCES AND EXPANDED BENEFITS FOR VETERANS WITH SEVERE BURNS.

(a) HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.—Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services

described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

(b) SPECIALLY ADAPTED HOUSING ASSISTANCE FOR DISABLED VETERANS WITH SEVERE BURNS.—Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

(B) by adding at the end the following new subparagraph:

''(C) The disability is due to a severe burn injury (as so determined).''.

(c) REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS.—

(1) IN GENERAL.—Not later than December 31, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist disabled veterans in acquiring—

(A) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(B) such adaptations to their residences as are reasonably necessary because of their disabilities; or

(C) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(2) FOCUS ON PARTICULAR DISABILITIES.—The report required by paragraph (1) shall pay particular attention to the needs of veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code.

(d) ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.—Section 3901(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''or (iii)'' and inserting ''(iii), or (iv)''; and

(B) by adding at the end the following new clause:

''(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary); or''; and

(2) in subparagraph (B), by striking ''or (iii)'' and inserting ''(iii), or (iv)''.

(e) ADAPTED HOUSING ASSISTANCE FOR DISABLED MEMBERS OF THE ARMED FORCES RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.—

(1) IN GENERAL.—Subsection (a) of section 2102A of title 38, United States Code, is amended—

(A) by inserting ''(1)'' before ''In the case'';

(B) by striking ''disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and'' and inserting ''person described in paragraph (2)'';

(C) by striking ''such veteran's'' and inserting ''the person's'';

(D) by striking ''the veteran'' and inserting ''the person'';

(E) by striking ''the veteran's'' and inserting ''the person's''; and

(F) by adding at the end the following new paragraph:

''(2) A person described in this paragraph is—

''(A) a veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title; or

''(B) a member of the Armed Forces who—

''(i) has, as determined by the Secretary, a disability permanent in nature described in subsection (a)(2) or (b)(2) of section 2101 of this title that has incurred in the line of duty in the active military, naval, or air service;

''(ii) is hospitalized or receiving outpatient medical care, services, or treatment for such disability; and

''(iii) is likely to be discharged or released from the Armed Forces for such disability.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking ''veteran'' both places it appears and inserting ''person with a disability''; and

(B) in subsection (c), by striking ''veteran'' and inserting ''person''.

(3) REPORT ON ASSISTANCE FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WHO RESIDE IN HOUSING OWNED BY FAMILY MEMBER ON PERMANENT BASIS.—Not later than December 31, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans and members of the Armed Forces described in subsection (a) of such section, as amended by paragraph (1) of this subsection, who reside with family members on a permanent basis.

(f) REDIRECTION OF IRS FEES.—Section 3 under the heading ''Administrative Provisions—Internal Revenue Service'' of title I of Public Law 103-329 is amended by striking ''The Secretary of the Treasury may spend'' in the second sentence and inserting ''Except with respect to the first $5,000,000 in receipts which shall be deposited in the general fund of the Treasury as miscellaneous receipts for any fiscal year beginning after September 30, 2007, the Secretary of the Treasury may spend''.

SA 2305. Mrs. DOLE 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 subtitle B of title X, add the following:

SEC. 1012. REPORT ON COUNTERNARCOTICS ASSISTANCE FOR THE GOVERNMENT OF HAITI.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on counternarcotics assistance for the Government of Haiti.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the counternarcotics assistance provided to the Government of Haiti by each of the Department of Defense, the Department of State, the Department of Homeland Security, and the Department of Justice.

(2) A description and assessment of any impediments to increasing counternarcotics assistance to the Government of Haiti, including corruption and lack of entities available to partner with in Haiti.

(3) An assessment of the feasability and advisability of providing additional counternarcotics assistance to the Government of Haiti, including an extension and expansion to the Government of Haiti of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.

(4) An assessment of the potential for counternarcotics assistance for the Government of Haiti through the United Nations Stabilization Mission in Haiti.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 2306. Mrs. DOLE 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 appropriate place, insert the following:

SEC. ___. INCREASE OF FEDERAL DETENTION SPACE AND UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURE AS A RESULT OF THE DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not fewer than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(2) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—Subject to available appropriations, the Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required under section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458).

(3) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(4) USE OF INSTALLATIONS AFFECTED BY BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(5) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired under this subsection shall be determined by the senior officer responsible for Detention and Removal Operations in the Department of Homeland Security and approved by the Secretary. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(b) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary of Homeland Security shall submit to Congress

an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 2307. Mr. ENZI (himself and Mr. BARRASSO) 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 434, in the table preceding line 1, strike the item relating to Vicenza, Italy.

On page 435, line 15, strike ''$5,218,067,000'' and insert ''$5,045,067,000''.

On page 435, line 21, strike ''$295,150,000'' and insert ''$122,150,000''.

On page 475, in the table preceding line 1, insert after the item relating to Truax Field, Wisconsin, the following:

Wyoming	Cheyenne Airport	$7,600,000

On page 476, line 9, strike ''$216,417,000'' and insert ''$224,017,000''.

SA 2308. Mr. SCHUMER 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 395, between lines 14 and 15, insert the following:

SEC. 1405A. ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES WITH RESPECT TO AFGHANISTAN.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, is hereby increased by $162,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, as increased by subsection (a), $162,800,000 may be available for drug interdiction and counterdrug activities with respect to Afghanistan.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(d) OFFSET.—The amount authorized to be appropriated by section 1509 for Drug Interdiction and Counter-Drug Activities, Defense-wide, for Operation Iraqi Freedom and Operation Enduring Freedom is hereby decreased by $162,800,000.

SA 2309. Mr. BIDEN (for himself, Mr. DODD, 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 subtitle C of title XII, add the following:

SEC. 1234. REPORT ON THE AIRFIELD IN ABECHE, CHAD, AND OTHER RESOURCES NEEDED TO PROVIDE STABILITY IN THE DARFUR REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the airfield located in Abeche, Republic of Chad, could play a significant role in potential United Nations, African Union, or North Atlantic Treaty Organization humanitarian, peacekeeping, or other military operations in Darfur, Sudan, or the surrounding region; and

(2) the capacity of that airfield to serve as a substantial link in such operations should be assessed, along with the projected costs and specific upgrades that would be necessary for its expanded use, should the Government of Chad agree to its improvement and use for such purposes.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the matters as follows:

(1) The current capacity of the existing airfield in Abeche, Republic of Chad, including the scope of its current use by the international community in response to the crisis in the Darfur region.

(2) The upgrades, and their associated costs, necessary to enable the airfield in Abeche, Republic of Chad, to be improved to be fully capable of accommodating a humanitarian, peacekeeping, or other force deployment of the size foreseen by the recent United Nations resolutions calling for a United Nations deployment to Chad and a hybrid force of the United Nations and African Union operating under Chapter VII of the United Nations Charter for Sudan.

(3) The force size and composition of an international effort estimated to be necessary to provide protection to those Darfur civilian populations currently displaced in the Darfur region.

(4) The force size and composition of an international effort estimated to be necessary to provide broader stability within the Darfur region.

SA 2310. Mr. SALAZAR 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 XXVIII, add the following:

SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.

(a) FINDINGS.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled ''The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment'', Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(3) ensure that each military department takes full advantage of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the department; and

(4) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code, and report to the congressional defense committees on the specific steps, if any, that the Secretary plans to take, or recommends that Congress take, to address the issues raised in such chapter.

SA 2311. Ms. LANDRIEU 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 subtitle C of title XV, add the following:

SEC. 1535. AFGHANISTAN.

(a) UNITED STATES POLICY ON THE GLOBAL WAR ON TERROR.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and to destroy the al Qaeda network.

(b) STATEMENT OF POLICY ON THE AFGHAN NATIONAL ARMY.—It shall be the policy of United States to assist the Government of Afghanistan in building and supporting an effective 70,000 soldier Afghan National Army, as agreed to in December 2002 by the Administration of President George W. Bush at the Bonn II conference.

(c) TRANSITION OF UNITED STATES FORCES IN AFGHANISTAN.—

(1) FINDINGS.—Congress makes the following findings:

(A) United States efforts in Afghanistan have been complicated by the overriding force of United States attention and resources in Iraq.

(B) The longer United States political and military resources are primarily focused in Iraq, the greater chance al Qaeda has of launching another attack against the United States.

(C) Consistent with the recommendation of the Iraq Study Group Report, it is critical for the United States to provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are moved from Iraq.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—

(i) CENTRAL INTELLIGENCE AGENCY.—There is hereby authorized to be appropriated for the Central Intelligence Agency for fiscal year 2008 such sums as may be necessary to reestablish the Counterterrorist Center unit Bin Laden Issue Station, also known as Alec Station.

(ii) AFGHAN SECURITY FORCES FUND.—The amount authorized to be appropriated by section 1512 for Afghan Security Forces Fund is hereby increased by $2,700,000,000, with the amount of the increase to be available to assist the Government of Afghanistan in building and supporting a 70,000 soldier Afghan National Army and adequately equipping Afghan Police Forces.

(iii) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1509 for Drug Interdiction and Counter-Drug Activities, Defense-wide is hereby increased by $257,618,000, with the amount of the increase to be available for drug interdiction and counterdrug activities in Afghanistan and Pakistan.

(iv) OPERATION ENDURING FREEDOM.—The aggregate amount authorized to be appropriated by this title and available for Operation Enduring Freedom is hereby increased by $26,000,000, with the amount of the increase to be available for additional translators and language translation technologies, including the languages of Pashto and Farsi.

(v) OPERATION ENDURING FREEDOM.—The aggregate amount authorized to be appropriated by this title and available Operation Enduring Freedom is hereby increased by such sums as are necessary to enhance operations to secure the borders of Pakistan and Iran.

(vi) NATO COMMON FUNDED BUDGETS.—The amount authorized to be appropriated by section 1004 for United States Contribution to NATO common-funded budgets is hereby increased by $363,190,000, with the amount of the increase to be available as follows:

(I) $362,159,000 for the Military Budget.

(II) $1,031,000 for the Civil Budget.

(vii) NATO SECURITY INVESTMENT PROGRAM.—The amount authorized to be appropriated by section 2502 for contributions to the North Atlantic Treaty Organization Security Investment Program is hereby increased by $257,618,000, with the amount of the increase to be available as specified in section 2501.

(B) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by clauses (i) through (vi) of subparagraph (A) for the purposes specified in such clauses are in addition to any other amounts authorized to be appropriated by this Act for such purposes.

(d) IMPLEMENTATION OF UNITED STATES FORCE REDUCTION IN IRAQ AS PART OF COMPREHENSIVE STRATEGY IN AFGHANISTAN.—

(1) DEPLOYMENT OF UNITED STATES FORCES IN IRAQ DURING DRAWDOWN.—As the United States begins to draw down combat forces in Iraq, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(A) Protecting United States and Coalition personnel and infrastructure.

(B) Training, equipping, and providing logistical support for the Iraqi Security Forces.

(C) Conducting targeted counterterrorism operations.

(2) REPOSITIONING OF FORCES.—As the drawdown of United States combat forces in Iraq begins, the forces being drawn down should be repositioned to support operations in Afghanistan, including Operation Enduring Freedom, the International Security Assistance Force Afghanistan, and special operations to capture or kill Osama bin Laden, and to increase security cooperation inside Pakistan.

(e) REQUIREMENTS FOR DEPLOYMENT OF UNITS.—Each unit of the Armed Forces deploying in support of Operation Iraqi Freedom or Operation Enduring Freedom, including the International Security Assistance Force Afghanistan, should meet a baseline C1 readiness standard before such deployment.

SA 2312. Ms. MURKOWSKI 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 subtitle H of title V, add the following:

SEC. 594. PROHIBITION ON THE UNAUTHORIZED USE OF NAMES AND IMAGES OF MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 988. Unauthorized use of names and images of members of the armed forces

''(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual's service in the armed forces.

''(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

''(c) PROTECTED INDIVIDUAL.—For purposes of this section, a protected individual is any person who—

''(1) is a member of the armed forces; or

''(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

''(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

''(A) is the protected individual, if living; and

''(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

''(i) The surviving spouse.

''(ii) The children.

''(iii) The parents.

''(iv) The grandparents.

''(v) The siblings.

''(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''988. Unauthorized use of names and images of members of the armed forces.''.

SA 2313. Mr. HATCH (for himself and Mr. CRAPO) 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 subtitle H of title X, add the following:

SEC. 1070. SENSE OF SENATE ON PROJECT COMPASSION.

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

(1) It is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice.

(2) In the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist

from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member.

(3) To date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States.

(4) Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families.

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

(1) Kaziah M. Hancock and the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the Soldiers, Sailors, Airmen and Marines who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to Kaziah M. Hancock and the members of Project Compassion; and

(3) the Senate, on the behalf of the people of the United States, commends Kaziah M. Hancock, the four other Project Compassion volunteer professional portrait artists, and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 25, 2007, at 10 a.m., to conduct a hearing to receive testimony on S. 1487, the Ballot Integrity Act.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 19, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending business, to be followed immediately by a hearing on discussion draft legislation to amend and reauthorize the Native American Housing Assistance and Self-Determination Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, July 17, 2007, at 10 a.m. room 253 ofthe Russell Senate Office Building.

The hearing will focus on creative solutions to improve air service to small and rural communities.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 17, 2007 at 10 a.m. Room 406 of the Dirksen Senate Office Building for a hearing to consider pending nominations.

Agenda

Robert Lance Boldrey, nominated to be a Member of the Board of Trustees, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

Kristine L. Svinicki, nominated to be a Member of the Nuclear Regulatory Commission.

Robert Lyle Laverty, nominated to be the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior.

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

COMMITTEE ON FOREIGN RELATIONS

The Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 17, 2007, at 10 a.m. to hold a hearing on democracy in Africa.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 17, 2007, at 2:30 p.m. to hold a hearing on intellectual property and tax treaties.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 17, 2007, at 10 a.m. in order to conduct a hearing entitled ''Federal Acquisition: Ways to Strengthen Competition and Accountability.''

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

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled ''Hearing to Examine the Prosecution of Ignacio Ramos and Jose Compean'' on Tuesday, July 17, 2007, at 10 a.m. Dirksen Senate Office Building, room 226.

Witness list

Panel I: David V. Aguilar, Chief, Office of Border Patrol, U.S. Customs and Border Protection, Washington, DC; Johnny Sutton, United States Attorney, Western District of Texas, San Antonio, TX.

Panel II: T.J. Bonner, President, National Border Patrol Council, Campo, CA; Luis Barker, Deputy Chief, Office of Border Patrol, U.S. Customs and Border Protection, Washington, DC; David L. Botsford, Appellate Counsel for Mr. Ramos, Austin, RX.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. I ask unanimous consent that the Committee on Veterans' Affair be authorized to meet during the session of the Senate on Tuesday, July 17, to conduct a vote on the nomination of Charles L. Hopkins to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement). The Committee will meet in the Reception Room, off the Senate Floor immediately after the first roll call vote of the Senate on Tuesday, July 17.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 17, 2007, to conduct a hearing on VA and DOD Education Issues. The hearing will begin at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Tuesday, July 17, 2007, at 2:30 p.m. in order to conduct a hearing entitled Preparations for 2010: Is the Census Bureau Ready for the Job Ahead?

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

SUBCOMMITTEE ON RETIREMENT AND AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions' Subcommittee on Retirement and Aging be authorized to hold a hearing on the Federal response to the Alzheimer's epidemic during the session of the Senate on Tuesday, July 17, 2007, at 2:30 p.m. in room 628 of the Senate Dirksen office building.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that David Azaria and Rachael Creswell of my staff be granted floor privileges for the duration of today's session.

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

Mr. INOUYE. Mr. President, I ask unanimous consent that Dane Balker, Senator WEBB's national security detainee, be given floor privileges for the duration of this bill.

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

Mr. COBURN. Madam President, I ask unanimous consent that Major Thomas Rogers, a Department of Defense fellow in Senator PETE DOMENICI's office, be granted the privilege of the floor for the duration of the debate on the fiscal year 2008 Defense authorization bill.

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

WEDNESDAY, JULY 18 (LEGISLATIVE DAY OF JULY 17), 2007

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 980. An act to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

H.R. 2641. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that pursuant to section 205(a) of the Vietnam Education Foundation Act of 2000 (Public Law 106–554), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Directors of the Vietnam Education Foundation: Upon the recommendation of the Majority Leader: Mr. BLUMENAUER of Oregon, and upon the recommendation of the Minority Leader: Mr. PITTS of Pennsylvania.

MEASURES PLACED ON THE CALENDAR

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

H.R. 2641. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, 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–2585. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation intended ''to establish a program to revitalize rural multi-family housing''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2586. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the obligations and outlays of fiscal years 2004, 2005 and 2006 funds under the President's Emergency Plan for AIDS Relief through September 30, 2006; to the Committee on Appropriations.

EC–2587. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Robert R. Blackman, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2588. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to the remaining obstacles to the circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC–2589. 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 ''Information Returns Required with Respect to Certain Foreign Corporations'' ((RIN1545-BG11)(TD 9338)) received on July 17, 2007; to the Committee on Finance.

EC–2590. 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 ''Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions'' ((RIN1545-BG44)(TD 9339)) received on July 17, 2007; to the Committee on Finance.

EC–2591. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve and Other Miscellaneous Issues'' (RIN2900-AM50) received on July 17, 2007; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–168. A resolution adopted by the Senate of the State of Ohio urging Congress to pass legislation establishing a Servitude and Emancipation Archival Research Clearinghouse in the National Archives; to the Committee on Homeland Security and Governmental Affairs.

SENATE RESOLUTION NO. 18

Whereas, Because of slavery and discrimination, African Americans have been denied many of the benefits of citizenship that produce traceable documentation; and

Whereas, researching one's genealogy through old records and documents is an arduous task even when the information is readily available, and for African Americans, researching their genealogies and making a connection to their past is even more difficult because the relevant records often have not been properly maintained; and

Whereas, access to better organized documents relevant to servitude and emancipation will assist African Americans in search their family histories, of which, because of slavery and segregation, are almost impossible to find in common registers and census records; and

Whereas, legislation has been introduced in the 110th Congress to establish a Servitude and Emancipation Archival Research Clearinghouse (SEARCH) in the National Archives and to authorize appropriations to establish and fund the national archives database of historic records regarding servitude and emancipation; Now therefore be it

Resolved, That we, the members of the Senate of the 127th General Assembly of the State of Ohio, urge the Congress of the United States to pass the legislation that has been introduced to establish a Servitude and Emancipation Archival Research Clearinghouse in the National Archives; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the members of the Ohio Congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. THUNE:

S. 1809. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1810. A bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. SCHUMER, and Mrs. CLINTON):

S. 1811. A bill to amend the Toxic Substances Control Act to assess and reduce the levels of lead found in child-occupied facilities in the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. AKAKA, and Mr. BAYH):

S. 1812. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN (for himself and Mr. FEINGOLD):

S. 1813. A bill to amend the Energy Policy Act of 2005 to provide individuals with an opportunity to participate in the financing or ownership of local biorefineries; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1814. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health related information, promote the use of non-identifiable information for health research, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS:

S. 1815. A bill to assure compliance with basic standards for all-terrain vehicles in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 274. A resolution to authorize representation by the Senate Legal Counsel in the case of Lewis v. Bayh; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 275. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 600

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 689

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 689, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 821

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 872

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 872, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax provisions and income tax credit for biodiesel.

S. 941

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1052

At the request of Mr. SALAZAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1052, a bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1514

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1572, a bill to increase the

number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1669

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1669, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics.

S. 1743

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1800

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1800, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. RES. 178

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 221

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 221, a resolution supporting National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2000 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. 2056

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2056 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 Colorado (Mr. SALAZAR) 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. 2127

At the request of Mr. WEBB, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2127 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. 2206

At the request of Mr. WEBB, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 2206 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. 2221

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2221 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. 2291

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2291 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. 2310

At the request of Mr. SALAZAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2310 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA (for himself, Mr. SCHUMER, and Mrs. CLINTON):

S. 1811. A bill to amend the Toxic Substances Control Act to assess and reduce the levels of lead found in child-occupied facilities in the United States, and for other purposes; to the Committee on Environmental and Public Works.

Mr. OBAMA. Mr. President, I rise today to reintroduce the Lead Poisoning Reduction Act.

Two weeks ago, the Washington Post featured an article on lead research by the economist Rick Nevin. Mr. Nevin's work demonstrates a strong link between lead exposure and criminal activity in our country. Specifically, he found that national spikes in rates of children with lead poisoning were significantly correlated with spikes in criminal activity two decades later. Notably, this finding was not unique to the U.S., he found a similar association in 9 other countries, despite differences in economics, demographics, and values. Although many readers, myself included, were surprised by Nevin's findings, the scientific community was not, having known for many years that lead poisoning leads to irrevocable, toxic effects on brain development of young children. These effects lead to changes such as impulsivity and impaired cognition, which appear to contribute to criminal behavior in later years.

Mr. Nevin's work underscores the critical importance of eliminating lead poisoning in children, which is completely preventable and has tragic consequences. In the U.S., over 300,000 children have blood lead levels of 10

micrograms or higher, the level traditionally considered to indicate ''lead poisoning''. Yet, even this level is now considered unsafe as newer research has indicated that lead-related damage starts at much lower levels. We must remain vigilant in tackling all sources of lead exposure, to save future generations of children from harm, and the Lead Poisoning Reduction Act will help to do just that.

The major source of lead exposure among U.S. children is lead-based paint and lead-contaminated dust found in deteriorating buildings. The Lead Poisoning Reduction Act will provide $42.6 million in grants to communities that wish to develop and implement lead amelioration programs for their childcare facilities. It directs EPA to promulgate regulations within 18 months that require new child-occupied facilities to be certified lead-safe before opening for business. Additionally, EPA would also promulgate regulations within 5 years of enactment to require that all non-home-based childcare facilities be lead-safe. Further, my bill requires EPA to conduct a study of State, tribal and local programs designed to protect children from lead exposure in child-occupied facilities; to establish baseline studies, based on the results of this study; and to create a model program, that can be adapted for use by State, tribal and community officials, for testing, abatement, and communication of risks of lead to children and parents.

Reducing lead hazards in our communities, especially in child-occupied facilities, is critical, with impact reaching beyond individual children in preschools in any given city, to our society as a whole. It is the right thing to do, and the smart thing to do, and it should have been done years ago.

I call on my colleagues to support the Lead Protection Reduction Act, which will help to ensure that every child has access to safe, lead-free childcare facilities in this Nation.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. AKAKA, and Mr. BAYH):

S. 1812. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, research indicates a caring adult can make a difference in a child's future. Today, I am pleased to introduce legislation that will expand the mentoring programs found in the No Child Left Behind Act. If adopted, the Mentoring America's Children Act of 2007 would help close America's ''mentoring gap'' and match more at-risk students with high-quality mentors. I thank my colleagues, Senators KERRY, AKAKA, and BAYH, for joining me on this important legislation.

Mentoring programs are a cost-effective way to expand a young person's ability for success. Studies have shown young people with mentors perform better in school and are more likely to graduate and go on to higher education. Mentors also play a role in improving the social and emotional well-being and reducing the negative behaviors of the children they mentor.

Despite the positive effects of having a mentor, nearly 15 million young adults are still in need of mentoring. These young people encompass America's ''mentoring gap.'' That is why I have joined with my colleagues to introduce the Mentoring America's Children Act of 2007.

This legislation broadens the reach of mentoring to include specific populations of young people who could particularly benefit from a mentor's involvement, including children in foster care and kids in communities with a high rate of youth suicides. It also provides much needed training and technical assistance to grantees, tracks youth outcomes, strengthens research on the effects of mentoring, and improves the sustainability of grant recipients. Finally, this bill allows students to gain professional skills while working with mentors by establishing internship programs during the school year.

Mentoring plays a key role in improving the learning environment for a young person, as mentored youth have better attendance and are more connected to their school, schoolwork, and teachers. Mentors serve as role models, advisors, and advocates for the children they mentor. We must work together to match even more high-quality mentors with our neediest children.

This legislation is supported by MENTOR/National Mentoring Partnership, Big Brothers Big Sisters of America and the National Collaboration for Youth. I ask my colleagues to join me in approving this legislation.

Mr. KERRY. Mr. President, our Nation's children are our greatest resource. They represent the future of this country and we should do everything we can to foster their growth and ensure they lead happy and productive lives. That is why I am proud to cosponsor the Mentoring America's Children Act of 2007 which was introduced today by Senator CLINTON. This important legislation highlights the significant impact mentoring can have on a child.

Research has shown time and time again that mentoring is an important component to a child's development. Often these children come from broken homes or communities affected by violence. The relationship formed between a mentor and a child helps support their studies in school, their relationships with their families at home, and gives them the confidence they need to withstand the pressures they are faced with. Our children are confronted with much more than some of us even realize. By providing a mentor, parents and teachers have another line of defense in allowing our children to grow up in a safe nurturing environment.

The consequences of letting young people grow up without a support system are dire. In 2006 America's law enforcement officers arrested approximately 250 teens an hour, and it's estimated that 900,000 of our children are victims of abuse and neglect. Studies show that most teens that use alcohol, cigarettes and marijuana do so before they are 14. This is unacceptable. We must do more to foster these children so they stay in school, keep clean and out of trouble.

Mentoring can help improve the social and mental well being of a child so they can deal with the myriad of challenges they face. Massachusetts has many notable mentoring programs that have affected thousands of children's lives. Strong Women, Strong Girls is a program started by a Harvard graduate that matches local university women with girls in targeted communities to help create another generation of strong women through mentoring. The Boys and Girls Club has a long and storied history in my State as does the Big Brother Big Sister program. A study of Brother Big Sister showed that children that benefited from their program were 46 percent less likely to use drugs, 52 percent less likely to skip school and have fewer conflicts with their families.

The Mentoring America's Children Act would help these programs and others like them across the country. It builds on the mentoring programs already put in place in the No Child Left Behind Act by ensuring that they are as effective as possible. The bill provides for additional training and technical resources as well as studies the efficacy of these various programs. More importantly, it widens the net of children that can be helped by mentors by focusing on children in the foster care system and those that live in communities with high suicide rates. We should be focusing our energies on helping the children most in need and providing them with mentors that can enrich their lives and help them succeed.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1814. A bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health related information, promote the use of non-identifiable information for health research, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today I am pleased to join Senator KENNEDY, the distinguished Chairman of the Committee on Health, Education, Labor Pensions, in introducing the Health Information Privacy and Security Act of 2007, HIPSA. This comprehensive health privacy bill will ensure the right to privacy with respect

to health information for millions of Americans.

In America today, if you have a health record, you have a health privacy problem. The explosion of electronic health records, digital databases and the Internet is fueling a growing supply and demand for Americans' health information. The ability to easily access this information electronically, often by the click of a mouse, or a few key strokes on a computer, can be very useful in providing more cost-effective health care. But, the use of advancing technologies to access and share health information can also lead to a loss of personal privacy.

In the Information Age, the traditional right and expectation of confidentiality between patient and doctor is at great risk. Without adequate safeguards to protect health privacy, many Americans will simply not seek the medical treatment that they need, nor agree to participate in health research, because they fear that their sensitive health information will be disclosed without then consent or knowledge. And those who do seek medical treatment must assume the risk of the unauthorized disclosure of their health information due to a data security breach or other privacy violation. The loss of health privacy is a growing threat to our national health care system that the Congress must address.

Senator KENNEDY and I both firmly believe that a fear of a loss of privacy cannot be allowed to deter Americans from seeking medical treatment. We are introducing this legislation today to close the privacy gap with respect to Americans' electronic health information.

A guiding principle in drafting our health privacy bill has been that the American people will only support efforts to move toward health information technology if they are assured that their sensitive health information will be protected from unauthorized disclosure and from the growing dangers of identity crimes posed by data security breaches. The bill that we are introducing today takes several important steps to honor this principle and to protect the health privacy of all Americans.

First, our bill guarantees the right of every American to privacy and security with respect to the use and disclosure of their health information. Under this legislation, every individual has the right to inspect and copy his or her own health records and to receive notice of the privacy rights and practices of data brokers and others who store this information in electronic databases. Our bill also ensures the security of electronic health information by requiring that data brokers establish safeguards to secure health information from data security breaches and other unauthorized disclosures.

Second, our bill places meaningful restrictions on the disclosure of sensitive health information. The bill expressly prohibits the disclosure or use of health information without a patient's authorization and requires that any health information intended to be used for medical research first be stripped of personally identifying information to protect an individual's privacy. There are exceptions to these restrictions for law enforcement, public safety and national security purposes.

Our bill also requires that patients be notified of a data security breach involving their health information within 15 days of discovery of the breach. The bill provides for important exceptions to this notice requirement for law enforcement and national security reasons.

Thirdly, our bill addresses the growing fear of many Americans that they will not be able to obtain important health information about a parent or child in situations involving a medical emergency, because of confusion about the requirements of current health privacy laws. The New York Times recently reported that many health care providers are overzealously applying health privacy laws, such as the Health Insurance Portability and Accountability Act, HIPAA, thwarting the legitimate efforts of family members, caretakers and even law enforcement to obtain critical health information about patients in their care. Our bill expressly allows health care providers to disclose health information to law enforcement for legitimate purposes and to a patient's next of kin, provided that the patient has been notified of their right to object to such disclosure. The bill also establishes a national office of health information privacy within the Department of Health and Human Services to aid American consumers in learning about their health privacy rights.

Lastly, our bill contains meaningful civil and criminal enforcement provisions to discourage and punish the wrongful disclosure of Americans' sensitive health information. The bill makes it a Federal crime to knowingly and intentionally disclose or use sensitive health information without an individual's consent. Violators of this provision are subject to a criminal penalty of up to $500,000 and up to 10 years in prison, if the violation is committed with the intent to sell or use sensitive health information for economic gain. In addition, the bill authorizes the Attorney General to file a civil action in Federal district court to obtain civil penalties from entities that fail to adequately safeguard electronic health records, or to provide consumers with information about their health privacy rights.

Senator KENNEDY and I have worked on this legislation for more than a decade and we both understand the need to carefully balance the right to health privacy with the legitimate needs of health care providers, medical researchers and public health and law enforcement officials. Our bill strikes the right balance between protecting privacy and ensuring public safety.

We have also conferred extensively with the many stakeholders in the health care community in crafting this legislation and our bill is supported by a wide range of public policy, consumer and health care organizations from across the political spectrum.

Senator KENNEDY and I believe that the right to health privacy is of vital interest to all Americans. For this reason, and on behalf of the millions of Americans who are currently at risk of either foregoing medical treatment or losing their right to health privacy, I urge all Senators to join us in supporting this important privacy legislation.

I ask unanimous consent that the text of the bill and a copy of the July 3, 2007, the New York Times article entitled ''Keeping Patients' Details Private, Even From Kin,'' be printed in the RECORD.

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

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Health Information Privacy and Security Act''.

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

Sec. 1. Short title.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—INDIVIDUALS' RIGHTS

Subtitle A—Rights of the Subjects of Protected Health Information

Sec. 101. Right to privacy and security.
Sec. 102. Inspection and copying of protected health information.
Sec. 103. Modifications to protected health information.
Sec. 104. Notice of privacy practices.
Sec. 105. Demonstration grant.

Subtitle B—Establishment of Safeguards

Sec. 111. Establishment of safeguards.
Sec. 112. Transparency.
Sec. 113. Risk management.
Sec. 114. Accounting for disclosures and use.

TITLE II—RESTRICTIONS ON USE AND DISCLOSURE

Subtitle A—General Restrictions on Use and Disclosure

Sec. 201. General rules regarding use and disclosure.
Sec. 202. Informed consent for disclosure of protected health information for treatment and payment.
Sec. 203. Authorizations for disclosure of protected health information other than for treatment or payment.
Sec. 204. Notification in the case of breach.

Subtitle B—Disclosure Under Special Circumstances

Sec. 211. Emergency circumstances.
Sec. 212. Public health.
Sec. 213. Protection and advocacy agencies.
Sec. 214. Oversight.
Sec. 215. Disclosure for law enforcement, national security, and intelligence purposes.
Sec. 216. Next of kin and directory information.
Sec. 217. Health research.
Sec. 218. Judicial and administrative purposes.
Sec. 219. Individual representatives.

TITLE III—OFFICE OF HEALTH INFORMATION PRIVACY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subtitle A—Designation

Sec. 301. Designation.

Subtitle B—Enforcement

CHAPTER 1—CRIMINAL PROVISIONS

Sec. 311. Wrongful disclosure of protected health information.
Sec. 312. Debarment for crimes and civil violations.

CHAPTER 2—CIVIL SANCTIONS

Sec. 321. Civil penalty.
Sec. 322. Procedures for imposition of penalties.
Sec. 323. Civil action by individuals.
Sec. 324. Enforcement by State attorneys general.
Sec. 325. Protection for whistleblower.

TITLE IV—MISCELLANEOUS

Sec. 401. Relationship to other laws.
Sec. 402. Effective date.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To recognize that individuals have a right to privacy, confidentiality, and security with respect to health information, including genetic information, and that those rights must be protected.

(2) To create incentives to turn protected health information into de-identified health information, where appropriate.

(3) To designate an Office of Health Information Privacy within the Department of Health and Human Services to protect that right of privacy.

(4) To provide individuals with—

(A) access to health information of which they are the subject; and

(B) the opportunity to challenge the accuracy and completeness of such information by being able to file modifications to or request the deletion of such information.

(5) To provide individuals with the right to limit the use and disclosure of protected health information.

(6) To establish strong and effective mechanisms to protect against the unauthorized and inappropriate use of protected health information.

(7) To invoke the sweep of congressional powers, including the power to enforce the 14th amendment to the Constitution, to regulate commerce, and to abrogate the immunity of the States under the 11th amendment to the Constitution, in order to address violations of the rights of individuals to privacy, to provide individuals with access to their health information, and to prevent the unauthorized use of protected health information that is genetic information.

(8) To establish strong and effective remedies for violations of this Act.

(9) To protect the rights of States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE BILLING INFORMATION.—The term ''administrative billing information'' means any of the following forms of protected health information:

(A) Date of service, policy, patient identifiers, and practitioner or facility identifiers.

(B) Diagnostic codes, in accordance with medicare billing codes, for which treatment is being rendered or requested.

(C) Complexity of service codes, indicating duration of treatment.

(D) Total billed charges.

(2) AGENT.—The term ''agent'' means a person that represents or acts for another person (a principal) under a contract or relationship of agency, or that functions to bring about, modify, affect, accept performance of, or terminate, contractual obligations between the principal and a third person. With respect to an employer, the term includes the employees of the employer.

(3) AUTHORIZATION.—The term ''authorization'' means the authority granted by an individual that is the subject of protected health information, in accordance with title II, for the disclosure of the individual's protected health information.

(4) AUTHORIZED RECIPIENT.—The term ''authorized recipient'' means a person granted the authority by an individual, in accordance with title II, to access, maintain, retain, modify, record, store, destroy, or otherwise use the individual's protected health information through an authorized disclosure.

(5) BREACH.—The term ''breach'' means the unauthorized acquisition, disclosure, or loss of protected health information which compromises the security, privacy, or integrity of protected health information maintained by or on behalf of a person.

(6) CONFIDENTIALITY.—The term ''confidentiality'' means the obligations of those who receive information to respect the privacy interests of those to whom the data relate.

(7) DATA BROKER.—The term ''data broker'' means a data bank, data warehouse, information clearinghouse, record locator system, or other business entity, which for monetary fees, dues, or on a cooperative nonprofit basis, engages in the practice of accessing, collecting, maintaining, modifying, storing, recording, transmitting, destroying, or otherwise using or disclosing the protected health information of individuals. Any person maintaining protected health information for the purposes of making such information available to the individual or the health care provider, including persons furnishing free or paid personal health records, electronic health records, electronic medical records, and related products and services, shall be deemed to be a data broker subject to the requirements of this Act.

(8) DE-IDENTIFIED HEALTH INFORMATION.—

(A) IN GENERAL.—The term ''de-identified health information'' means any protected health information, with respect to which—

(i) all personal identifiers, or other information that may be used by itself or in combination with other information which may be available to re-identify the subject of the information, have been removed;

(ii) a good faith effort has been made to evaluate, minimize, and mitigate the risks of re-identification of the subject of such information, using commonly accepted scientific and statistical standards and methods for minimizing risk of disclosure; and

(iii) there is no reasonable basis to believe that the information can be used to identify an individual.

(B) EXAMPLES.—Such term includes aggregate statistics, redacted health information, information in which random or fictitious alternatives have been substituted for personally identifiable information, and information in which personally identifiable information has been encrypted and the decryption key is maintained only by persons otherwise authorized to have access to such protected health information in an identifiable format.

(9) DISCLOSE.—The term ''disclose'' means to release, publish, share, transfer, transmit, disseminate, show, permit access to, communicate (orally or otherwise), re-identify, or otherwise divulge protected health information to any person other than the individual who is the subject of such information. Such term includes the initial disclosure and any subsequent redisclosure of protected health information.

(10) DECRYPTION KEY.—The term ''decryption key'' means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used for encryption or decryption of wire, electronic, or other communications or stored information.

(11) EMPLOYER.—The term ''employer'' means a person that is engaged in business affecting commerce and that has employees.

(12) ENCRYPTION.—The term ''encryption''—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(13) HEALTH CARE.—The term ''health care'' means—

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, including appropriate assistance with disease or symptom management and maintenance, counseling, service, or procedure—

(i) with respect to the physical or mental condition of an individual; or

(ii) affecting the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs, or any other tissue.

(B) any sale or dispensing of a drug, device, equipment, or other health care-related item to an individual, or for the use of an individual, pursuant to a prescription.

(14) HEALTH CARE PROVIDER.—The term ''health care provider'' means a person that, with respect to a specific item of protected health information, receives, accesses, maintains, retains, modifies, records, stores, destroys, or otherwise uses or discloses the information while acting in whole or in part in the capacity of—

(A) an entity that is, or holds itself out to be, licensed, certified, registered, or otherwise authorized by Federal or State law to provide an item or service that constitutes health care in the ordinary course of business, or practice of a profession;

(B) contractors and other health care providers or facilities authorized to provide items or services related to diagnosis or treatment of a health concern, including hospitals, nursing facilities, allied health professionals, and facilities used or maintained by allied health professionals;

(C) a Federal or State program that directly provides items or services that constitute health care to beneficiaries;

(D) an officer or employee or agent of a person described in subparagraph (A) or (C) who is engaged in the provision of health care or who uses health information; or

(E) medical personnel in an emergency situation, including while communicating protected health information by radio transmission or other means.

(15) HEALTH OR LIFE INSURER.—The term ''health or life insurer'' means a health insurance issuer (as defined in section 9805(b)(2) of the Internal Revenue Code of 1986) or a life insurance company (as defined in section 816 of such Code) and includes the employees and agents of such a person.

(16) HEALTH OVERSIGHT AGENCY.—The term ''health oversight agency''—

(A) means a person that—

(i) performs or oversees the performance of an assessment, investigation, or prosecution relating to compliance with legal or fiscal standards relating to health care fraud or fraudulent claims regarding health care, health services or equipment, or related activities and items; and

(ii) is a public executive branch agency, acting on behalf of a public executive branch agency, acting pursuant to a requirement of

a public executive branch agency, or carrying out activities under a Federal or State law governing an assessment, evaluation, determination, investigation, or prosecution described in clause (i); and

(B) includes the employees and agents of such a person.

(17) HEALTH PLAN.—The term ''health plan'' has the meaning given such term for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

(18) HEALTH RECORD SET.—The term ''health record set'' means any item, collection, or grouping of information that includes protected health information, such as an electronic health record, electronic medical record, personal health record, or account of disclosure, use or access, that is created, accessed, received, maintained, retained, modified, recorded, stored, destroyed, or otherwise used or disclosed by a health care provider, employer, insurer, health plan, health researcher, school or university, data broker, or other person.

(19) HEALTH RESEARCHER.—The term ''health researcher'' means a person that, with respect to a specific item of protected health information, receives the information—

(A) pursuant to section 217 (relating to health research); or

(B) while acting in whole or in part in the capacity of an officer, employee, or agent of a person that receives the information pursuant to such section.

(20) INFORMED CONSENT.—The term ''informed consent'' means the authorization for use or disclosure of protected health information by the individual who is the subject of such information, conditioned upon that individual's having been informed of the nature and probability of harm to the individual resulting from such authorization.

(21) LAW ENFORCEMENT INQUIRY.—The term ''law enforcement inquiry'' means a lawful executive branch investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any regulation, rule, or order issued pursuant to such a statute.

(22) OFFICE OF HEALTH INFORMATION PRIVACY.—The term ''Office of Health Information Privacy'' means the Office of Health Information Privacy designated under section 301.

(23) PERSON.—The term ''person'' means an entity that is a government, governmental subdivision of an executive branch agency or authority, corporation, company, association, firm, partnership, society, estate, trust, joint venture, individual, individual representative, tribal government, and any other legal entity. Such term also includes the employees, contractors, agents, and affiliates of all legal entities described in the preceding sentence, whether or not they are acting in the capacity of their employment, contract, agency, or affiliation.

(24) PRIVACY.—The term ''privacy'' means an individual's right to control the acquisition, uses, or disclosures of his or her identifiable health data.

(25) PROTECTED HEALTH INFORMATION.—

(A) IN GENERAL.—The term ''protected health information'' means any information, including genetic information, biometric information, demographic information, and tissue samples collected from an individual, whether oral or recorded in any form or medium, that—

(i) is created or received by a health care provider, health researcher, health plan, health or life insurer, medical or health savings plan administrator, school or university, health care clearinghouse, health oversight agency, public health authority, employer, data broker, or other person or such person's agent, officer, or employee; and

(ii)(I) relates to the past, present, or future physical or mental health or condition of an individual (including individual cells and their components), the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

(II)(aa) identifies an individual; or

(bb) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(B) DECRYPTION KEY.—The term ''protected health information'' includes any information described in paragraph (8).

(26) PUBLIC HEALTH AUTHORITY.—The term ''public health authority'' means an authority or instrumentality of the United States, a tribal government, a State, or a political subdivision of a State that is—

(A) primarily responsible for public health matters; and

(B) primarily engaged in activities such as injury reporting, public health surveillance, and public health investigation or intervention.

(27) RE-IDENTIFY.—The term ''re-identify'', when used with respect to de-identified health information, means an attempt, successful or otherwise, to ascertain—

(A) the identity of the individual who is the subject of such information; or

(B) the decryption key with respect to the information (when undertaken with knowledge that such key would allow for the identification of the individual who is the subject of such information).

(28) SCHOOL OR UNIVERSITY.—The term ''school or university'' means an institution or place for instruction or education, including an elementary school, secondary school, or institution of higher education, a college, or an assemblage of colleges united under one corporate organization or government.

(29) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(30) SECURITY.—The term ''security'' means physical, technological, or administrative safeguards or tools used to protect identifiable health data from unwarranted access or disclosure.

(31) SECURITY BREACH.—The term ''security breach'' means the physical, structural, or substantive compromise of the security of protected health information, through unauthorized disclosure, use, or access, whether actual or attempted, resulting in the acquisition, access, or use of such information by an unauthorized person. Such term does not apply to good faith or accidental acquisition, or disclosure of protected health information by an unauthorized person, so long as no further use or disclosure is made by such person.

(32) STATE.—The term ''State'' includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(33) TO THE MAXIMUM EXTENT PRACTICABLE.—The term ''to the maximum extent practicable'' means the level of compliance that a reasonable person would deem technologically feasible so long as such feasibility is periodically evaluated in light of scientific advances.

(34) USE.—The term ''use'' means to create, record, collect, access, obtain, store, maintain, amend, correct, restore, modify, supplement, identify, re-identify, employ, apply, utilize, examine, analyze, detect, remove, destroy, dispose of, account for, or monitor the flow of protected health information.

(35) WRITING.—The term ''writing'' means writing in either a paper-based or computer-based form, including electronic and digital signatures.

TITLE I—INDIVIDUALS' RIGHTS

Subtitle A—Rights of the Subjects of Protected Health Information

SEC. 101. RIGHT TO PRIVACY AND SECURITY.

(a) IN GENERAL.—Individuals who are the subject of protected health information have the right to—

(1) privacy and security with respect to the use and disclosure of such information;

(2) control and withhold protected health information of which they are the subject; and

(3) exercise nondisclosure and nonuse rights (referred to in this Act as ''opt-out'') with respect to their protected health information, including the right to opt out of any local, regional, or nationwide health information network or system that is used by the person.

(b) OBLIGATIONS.—A person that discloses, uses, or receives an individual's protected health information shall expressly recognize the right to privacy and security of such individual with respect to the use and disclosure of such information.

SEC. 102. INSPECTION AND COPYING OF PROTECTED HEALTH INFORMATION.

(a) RIGHT OF INDIVIDUAL.—

(1) IN GENERAL.—A person, including a health care provider, health researcher, health plan, health or life insurer, medical or health savings plan administrator, school or university, health care clearinghouse, health oversight agency, public health authority, employer, or data broker, or such person's agent, officer, employee, or affiliate, that accesses, maintains, retains, modifies, records, stores, or otherwise holds, uses, or discloses protected health information, shall permit an individual who is the subject of such protected health information, or the individual's designee, to inspect and copy the protected health information concerning the individual, including records created under sections 102, 112, 202, 203, and 211.

(2) PROCEDURES AND FEES.—A person described in paragraph (1) may establish appropriate procedures to be followed for inspection and copying under such paragraph and may require an individual to pay reasonable fees associated with such inspection and copying in an amount that is not in excess of the actual costs of providing such copying. Such fees may not be assessed where such an assessment would have the effect of inhibiting an individual from gaining access to the information described in paragraph (1).

(b) DEADLINE.—A person described in subsection (a)(1) shall comply with a request for inspection or copying of protected health information under this section not later than—

(1) 15 business days after the date on which the person receives the request, if such request requires the inspection, copying, or sending of printed materials; or

(2) 5 business days after the date on which the person receives the request, or sooner if the Secretary determines appropriate, if such request requires only the inspection, copying, or sending of electronic or other digital materials.

(c) RULES GOVERNING AGENTS.—A person that is the agent, officer, or employee of a person described in subsection (a) shall provide for the inspection and copying of protected health information if—

(1) the protected health information is retained by the person; and

(2) the person has been asked by the person described in subsection (a)(1) to fulfill the requirements of this section.

(d) SPECIAL RULE RELATING TO ONGOING CLINICAL TRIALS.—With respect to protected health information that is created as part of an individual's participation in an ongoing clinical trial, access to the information shall be provided consistent with the individual's

agreement to participate in the clinical trial.

SEC. 103. MODIFICATIONS TO PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—Not later than 15 business days, or earlier if the Secretary determines appropriate, after the date on which a person described in section 102(a)(1) receives from an individual a request in writing to supplement, correct, amend, segregate, or remove protected health information concerning the individual, such person—

(1) shall, subject to subsections (b) and (c), modify the information, by adding the requested supplement, correction, or amendment to the information, or by removing any information that has been requested to be destroyed;

(2) shall inform the individual that the modification has been made; and

(3) shall make reasonable efforts to inform any person to which the portion of the unmodified information was previously disclosed, of any substantive modification that has been made.

(b) REFUSAL TO MODIFY.—If a person described in subsection (a) declines to make the modification requested under such subsection within 15 business days after receipt of such request, such person shall inform the individual in writing of—

(1) the reasons for declining to make the modification;

(2) any procedures for further review of the declining of such modification; and

(3) the individual's right to file with the person a concise statement setting forth the requested modification and the individual's reasons for disagreeing with the declining person and the individual's right to include a copy of this refusal in the health record set concerning the individual.

(c) STATEMENT OF DISAGREEMENT.—If an individual has filed with a person a statement of disagreement under subsection (b)(3), the person, in any subsequent disclosure of the disputed portion of the information—

(1) shall include, at the individual's request, a copy of the individual's statement in the individual's health record set; and

(2) may include a concise statement of the reasons for not making the requested modification.

(d) RULES GOVERNING AGENTS.—A person that is the agent of a person described in subsection (a) shall only be required to make a modification to protected health information where—

(1) the protected health information is retained, distributed, used, or maintained by the agent; and

(2) the agent has been asked by such person to fulfill the requirements of this section.

(e) NOTIFICATION OF LOSS OR CORRUPTION.—Not later than 15 business days, or earlier if the Secretary determines appropriate, after the date on which a person described in subsection (a) discovers loss or corruption of health record sets or protected health information under its management, or if such person has reason to believe that its database has been compromised, such person shall—

(1) notify individuals whose records have been affected;

(2) notify persons and the agents of persons that receive, access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose such data; and

(3) repair or restore corrupted data to the extent practicable.

SEC. 104. NOTICE OF PRIVACY PRACTICES.

(a) PREPARATION OF WRITTEN NOTICE.—A person described in section 102(a)(1) shall prepare a written notice of the privacy practices of such person, including information with respect to the following:

(1) The express right of an individual to privacy, security, and confidentiality with respect to the electronic disclosure of such individual's protected health information;

(2) The procedures for an individual to authorize disclosures of protected health information, and to object to, modify, and revoke such authorizations.

(3) The right of an individual to inspect, copy, and modify that individual's protected health information.

(4) The right of an individual not to have employment or the receipt of services or choice of health plan conditioned upon the execution by the individual of an authorization for disclosure.

(5) A description of the categories or types of employees, by general category or by general job description, who have access to or use of protected health information regarding the individual.

(6) A simple, concise description of any information systems used to store or transmit protected health information, including a description of any linkages made with other networks, systems, or databases outside the person's direct control.

(7) The right of and procedures for an individual to request segregation of protected health information, and to restrict the use of such information by employees, agents, and contractors of a person.

(8) The circumstances under which the information will be, lawfully and actually, used or disclosed without an authorization executed by the individual.

(9) A statement that, if an individual elects to pay for health care from the individual's own funds, that individual may elect for identifying information not to be disclosed to anyone other than designated health care providers, unless such disclosure is required by mandatory reporting requirements or other similar information collection duties required by law.

(10) The right of the individual to have continued maintenance, distribution, or storage of that individual's personal health information not conditioned upon whether that individual amends or revokes an authorization for disclosure, or requests a modification of protected health information.

(11) The right of and procedures for an individual to request that protected health information be transferred to a third party person without unreasonable delay.

(12) The right to prompt notification of an actual or suspected security breach of protected health information, and how such breaches will be remedied by the person.

(13) The right of an individual to inspect and obtain a copy of records of authorized and unauthorized disclosures as well as attempted and actual access and use by an authorized or unauthorized person.

(14) The right of an individual to exercise nondisclosure and nonuse rights (referred to in this Act as ''opt-out'') with respect to their protected health information, including the right to opt out of any local, regional, or nationwide health information network or system that is used by the person.

(b) PROVISION AND POSTING OF WRITTEN NOTICE.—

(1) PROVISION.—A person described in subsection (a) shall provide a copy of the written notice of privacy practices required under such subsection—

(A) at the time an authorization is sought for the disclosure of protected health information; and

(B) upon the request of an individual.

(2) POSTING.—A person described in subsection (a) shall post, in a clear and conspicuous manner, a brief summary of the privacy practices of the person.

(c) MODEL NOTICE.—The Secretary, in consultation with the Director of the Office of Health Information Privacy appointed under section 301, after notice and opportunity for public comment, shall develop and disseminate model notices of privacy practices, and model summary notices for posting for use under this section. Use of such model notice shall be deemed to satisfy the requirements of this section.

(d) REQUIREMENT FOR OPT-OUT.—A person shall not access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose an individual's protected health information for other than treatment or payment purposes until that individual has been given an opportunity, before the time that such information is initially used or disclosed, to direct that such information not be used or disclosed. The individual must be given adequate time to exercise the nondisclosure and nonuse option (referred to as the ''opt-out'') through the method that is most convenient to the individual, along with an explanation of how the individual can exercise such option.

SEC. 105. DEMONSTRATION GRANT.

(a) IN GENERAL.—The Secretary shall award contracts or competitive grants to eligible entities to support demonstration projects that are designed to improve the communication of information pertaining to health privacy rights with individuals with limited English language proficiency and limited health literacy.

(b) PURPOSE.—It is the purpose of this section, to promote the cultural competency of persons that access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose protected health information, and to enable such persons to better communicate privacy procedures to non-English speakers, those with limited English proficiency, and those with limited health literacy.

(c) ELIGIBLE ENTITIES.—In this section, the term ''eligible entity'' means an organization or community-based consortium that includes—

(1) individuals who are representatives of organizations serving or advocating for ethnic and racial minorities, low income immigrant populations, and others with limited English language proficiency and limited health literacy;

(2) health care providers that provide care for ethnic and racial minorities, low income immigrant populations, and others with limited English language proficiency and limited health literacy;

(3) community leaders and leaders of community-based organizations; and

(4) experts and researchers in the areas of social and behavioral sciences, who have knowledge, training, or practical experience in health policy, advocacy, cultural and linguistic competency, or other relevant areas as determined by the Secretary.

(d) APPLICATION.—An eligible entity seeking a contract or grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(e) USE OF FUNDS.—An eligible entity shall use amounts received under this section to carry out programs and studies designed to help identify best practices in the communication of privacy rights and procedures to ensure comprehension by individuals with limited English proficiency and limited health literacy.

Subtitle B—Establishment of Safeguards

SEC. 111. ESTABLISHMENT OF SAFEGUARDS.

(a) IN GENERAL.—A person described in section 102(a)(1) shall establish and maintain appropriate administrative, organizational,

technical, and physical safeguards and procedures to ensure the privacy, confidentiality, security, accuracy, and integrity of protected health information that is accessed, maintained, retained, modified, recorded, stored, destroyed, or otherwise used or disclosed by such person.

(b) FACTORS TO BE CONSIDERED.—The policies and safeguards established under subsection (a) shall ensure that—

(1) protected health information is used or disclosed only with informed consent;

(2) the categories of personnel who will have access to protected health information are identified;

(3) the feasibility of limiting access to protected health information is considered;

(4) the privacy, security and confidentiality of protected health information is maintained;

(5) protected health information is protected against any anticipated vulnerabilities to the privacy, security, or integrity of such information; and

(6) protected health information is protected against unauthorized access, use, or misuse of such information.

(c) MODEL GUIDELINES.—The Secretary, in consultation with the Director of the Office of Health Information Privacy appointed under section 301, after notice and opportunity for public comment, shall develop and disseminate model guidelines for the establishment of safeguards and procedures for use under this section, such as, where appropriate, individual authentication of uses of computer systems, access controls, audit trails, encryption, physical security, protection of remote access points and protection of external electronic communications, periodic security assessments, incident reports, and sanctions. The Director shall update and disseminate the guidelines, as appropriate, to take advantage of new technologies.

(d) REVIEW AND UPDATING OF SAFEGUARDS.—Persons subject to this Act shall monitor, evaluate, and adjust, as appropriate, all safeguards and procedures, concomitant with relevant changes in technology, the sensitivity of personally identifiable information, internal or external threats to personally identifiable information, and any changes in the contracts or business of the person. For the purpose of reviewing and updating safeguards, the Secretary may provide technical assistance to persons described in subsection (a), as appropriate.

SEC. 112. TRANSPARENCY.

(a) PUBLIC LIST OF DATA BROKERS.—A person described in section 102(a)(1) shall establish a list of data brokers with which such person has entered into a contract or relationship for the purposes of providing services involving any protected health information. Such list and the contact information for each broker shall be made publicly accessible on the Internet.

(b) SUBCONTRACTING AND OUTSOURCING OVERSEAS.—In the event a person subject to this Act contracts with service providers not subject to this Act, including service providers operating in a foreign country, such person shall—

(1) take reasonable steps to select and retain third party service providers capable of maintaining appropriate safeguards for the security, privacy, and integrity of protected health information;

(2) require by contract that such service providers implement and maintain appropriate measures designed to meet the requirements of persons subject to this Act;

(3) be held liable for any violation of this Act by an overseas service provider or other provider not subject to this law; and

(4) in the case of a service provider operating in a foreign country, obtain the informed consent of the individual involved prior to outsourcing such individual's protected health information to such provider.

(c) LIST OF PERSONS.—The Secretary shall maintain a public list identifying persons described in section 102(a)(1) that have lost, stolen, disclosed or used in an unauthorized manner or for an unauthorized purpose the protected health information of a significant number of individuals. The list shall include how many individuals were affected by such action.

SEC. 113. RISK MANAGEMENT.

(a) IN GENERAL.—Persons described in section 102(a)(1) that have access to protected health information shall establish risk management and control processes to protect against anticipated vulnerabilities to the privacy, security, and integrity of protected health information.

(b) RISK ASSESSMENT.—A person described in subsection (a) shall perform annual risk assessments of procedures, systems, or networks involved in the creation, accessing, maintenance, retention, modification, recording, storage, distribution, destruction, or other use or disclosure of personal health information. Such risk assessment may include—

(1) identifying reasonably foreseeable internal and external vulnerabilities that could result in inaccuracy or in unauthorized access, disclosure, use, or modification of protected health information, or of systems containing protected health information;

(2) assessing the likelihood of and potential damage from inaccuracy or from unauthorized access, disclosure, use, or modification of protected health information;

(3) assessing the sufficiency of policies, technologies, and safeguards in place to minimize and control risks from unauthorized access, disclosure, use, or modification of protected health information; and

(4) assessing the vulnerability of protected health information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(c) RISK MANAGEMENT.—A person described in subsection (a) shall establish risk management and control procedures designed to control risks such as those identified in subsection (b). Such procedures shall include—

(1) a means for the detection and recording of actual or attempted, unauthorized, fraudulent, or otherwise unlawful access, disclosure, transmission, modification, use, or loss of personal health information;

(2) procedures for ensuring the secure disposal of personal health information;

(3) a means for limiting physical access to hardware, software, data storage technology, servers, systems, or networks by unauthorized persons in order to minimize the risk of information disclosure, modification, transmission, access, use, or loss;

(4) providing appropriate risk management and control training for employees; and

(5) carrying out annual testing of such risk management and control procedures.

SEC. 114. ACCOUNTING FOR DISCLOSURES AND USE.

(a) IN GENERAL.—A person described in section 102(a)(1) shall establish and maintain, with respect to any protected health information disclosure, a record of each disclosure in accordance with regulations promulgated by the Secretary in consultation with the Director of the Office of Health Information Privacy. Such record shall include the purpose of any disclosure and the identity of the specific individual executing the disclosure, as well as the person to which such information is disclosed.

(b) MAINTENANCE OF RECORD.—A record established under subsection (a) shall be maintained for not less than 7 years.

(c) ELECTRONIC RECORDS.—A person described in subsection (a) shall, to the maximum extent practicable, maintain an accessible electronic record concerning each access, use, or disclosure, whether authorized or unauthorized and whether successful or unsuccessful, of protected health information maintained by such person in electronic form. The record shall include the identities of the specific individuals (or a way to identify such individuals, or information helpful in determining the identities of such individuals) who access or seek to gain access to, use or seek to use, or disclose or seek to disclose, information sufficient to identify the protected health information sought or accessed, and other appropriate information.

(d) ACCESS TO RECORDS.—A person described in subsection (a) shall permit an individual who is the subject of protected health information, or the individual's designee, to inspect and copy the records created in paragraphs (a) and (c) of this section.

TITLE II—RESTRICTIONS ON USE AND DISCLOSURE

Subtitle A—General Restrictions on Use and Disclosure

SEC. 201. GENERAL RULES REGARDING USE AND DISCLOSURE.

(a) PROHIBITION.—

(1) GENERAL RULE.—A person may not disclose, access, or use protected health information except as authorized under this Act.

(2) RULE OF CONSTRUCTION.—Disclosure or use of health information that meets the standards of being de-identified health information shall not be construed as a disclosure or use of protected health information.

(b) SCOPE OF DISCLOSURE OR USE.—

(1) IN GENERAL.—A disclosure or use of protected health information under this title shall be limited to the minimum amount of information necessary to accomplish the purpose for which the disclosure or use is made.

(2) DETERMINATION.—The determination as to what constitutes the minimum disclosure or use possible for purposes of paragraph (1) shall be made by a health care provider to the extent required by law. The minimum necessary standard is intended to be consistent with, and not override, professional judgment and standards.

(c) USE OR DISCLOSURE FOR PURPOSE ONLY.—An authorized recipient of information pursuant to this title may use or disclose such information solely to carry out the purpose for which the information was disclosed, except as provided in section 214.

(d) NO GENERAL REQUIREMENT TO DISCLOSE.—Nothing in this title permitting the disclosure of protected health information shall be construed to require such disclosure.

(e) IDENTIFICATION OF DISCLOSED INFORMATION AS PROTECTED HEALTH INFORMATION.—Protected health information disclosed or used pursuant to this title shall be clearly identified and labeled as protected health information that is subject to this Act.

(f) DISCLOSURE OR USE BY AGENTS.—An agent, employee, or affiliate of a person described in section 102(a)(1) that accesses, seeks to access, obtains, discloses, uses, or receives protected health information from such person, shall be subject to this title to the same extent as the person.

(g) DISCLOSURE OR USE BY OTHERS.—A person receiving protected health information initially held by a person described in subsection (f) shall be subject to this title to the same extent as the person described in subsection (f).

(h) CREATION OF DE-IDENTIFIED INFORMATION.—Notwithstanding subsection (c), but subject to the other provisions of this section, a person described in subsection (f) may disclose protected health information to an

employee or other agent of the person for purposes of creating de-identified information.

(i) UNAUTHORIZED USE OR DISCLOSURE OF THE DECRYPTION KEY.—The unauthorized disclosure of a decryption key or other secondary or tertiary means for accessing protected health information shall be deemed to be a disclosure of protected health information. The unauthorized use of a decryption key (or other secondary or tertiary means for accessing protected health information) or de-identified health information in order to identify an individual is deemed to be disclosure of protected health information.

(j) NO WAIVER.—Except as provided in this Act, an authorization to disclose or use personally identifiable health information executed by an individual pursuant to section 202 or 203 shall not be construed as a waiver of any rights that the individual has under other Federal or State laws, the rules of evidence, or common law.

(k) OPT-OUT.—A person may not disclose, access, or use an individual's protected health information until that individual has been given the opportunity to opt out of any local, regional, or nationwide health information network or system that is used by the person.

(l) DISPOSAL OF DATA.—To prevent the unauthorized disclosure or use of protected health information, such information, when disposed of, shall be fully de-identified, destroyed, and expunged from any electronic, paper, or other files and documents maintained by authorized persons.

(m) OBLIGATIONS OF UNAUTHORIZED RECIPIENTS.—A person that obtains, accesses, or receives protected health information and that is an unauthorized recipient of such information may not access, maintain, retain, modify, record, store, destroy, or otherwise use or disclose such information for any purposes, and use or disclosure of protected health information under such circumstances shall be deemed an unauthorized disclosure of protected health information.

(n) DEFINITIONS.—In this title:

(1) INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—The term ''investigative or law enforcement officer'' means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of, or to make arrests for, civil or criminal offenses, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

(2) SEGREGATE.—The term ''segregate'' means to hide, mask, or mark separate a designated subset of an individual's protected health information, or to place such a subset in a location that is securely separated from the location used to store other protected health information, such that access to or use of any information so segregated may be effectively limited to those persons that are authorized by the individual to access or use that segregated information.

(3) SIGNED.—The term ''signed'' refers to both signatures in ink and electronic signatures, and the term ''written'' refers to both paper and computerized formats.

SEC. 202. INFORMED CONSENT FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR TREATMENT AND PAYMENT.

(a) REQUIREMENTS RELATING TO EMPLOYERS, HEALTH PLANS, HEALTH OR LIFE INSURERS, UNINSURED AND SELF-PAY INDIVIDUALS, AND PROVIDERS.—

(1) IN GENERAL.—To satisfy the requirement under section 201(b)(1), an employer, health plan, health or life insurer, or health care provider that seeks to disclose protected health information in connection with treatment or payment shall obtain an authorization from the subject of such protected health information that satisfies the requirements of this section. A single authorization may authorize multiple disclosures.

(2) EMPLOYERS.—Every employer offering a health plan to its employees shall, at the time of an employee's enrollment in the health plan, obtain a signed, written authorization that is an authorization based on informed consent that satisfies the requirements of subsection (b) concerning the use and disclosure of protected health information for treatment or payment with respect to each individual who is eligible to receive care under the health plan.

(3) HEALTH PLANS, HEALTH OR LIFE INSURERS.—Every health plan or health or life insurer offering enrollment to individual or nonemployer groups shall, at the time of enrollment in the plan or insurance, obtain a signed, written authorization that is a legal, informed authorization that satisfies the requirements of subsection (b) concerning the use and disclosure of protected health information with respect to each individual who is eligible to receive care or benefits under the plan or insurance.

(4) UNINSURED AND SELF-PAY.—An originating provider that provides health care in other than a network plan setting, or provides health care to an uninsured individual, shall obtain a signed, written authorization that satisfies the requirements of subsection (b) to access or use protected health information in providing health care or arranging for health care from other providers or seeking payment for the provision of health care services.

(5) PROVIDERS.—

(A) IN GENERAL.—Every health care provider that provides health care to an individual that has not been given the appropriate prior authorization under this section, shall at the time of providing such care obtain a signed, written authorization that is a legal, informed authorization, that satisfies the requirements of subsection (b), concerning the use and disclosure of protected health information with respect to such individual.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to preclude the provision of health care to an individual who has not given appropriate authorization prior to receipt of such care if—

(i) the health care provider involved determines that such care is essential; and

(ii) the individual can reasonably be expected to sign an authorization for such care when appropriate.

(b) REQUIREMENTS FOR INDIVIDUAL INFORMED CONSENT.—To satisfy the requirements of this subsection, an authorization from an individual to disclose the individual's protected health information shall—

(1) identify, by general job description or other functional description and by geographic location, those persons that are authorized to disclose the information, including entities employed by, or operating within, a person authorized to disclose the information;

(2) describe the nature of the information to be disclosed;

(3) identify, by general job description or other functional description and by geographic location, those persons to which the information will be disclosed, including entities employed by, or operating within, a person to which information is authorized to be disclosed;

(4) describe the purpose of the disclosures;

(5) permit the executing individual to indicate that a particular person or class of persons (a group of persons with similar roles or functions) listed on the authorization is not authorized to receive protected health information concerning the individual, except as provided for in subsection (c)(3);

(6) provide the means by which an individual may indicate that some of the individual's protected health information should be segregated and to what persons or classes of persons such segregated information may be disclosed;

(7) be subject to revocation by the individual and indicate that the authorization is valid until revocation by the individual or until an event or date specified;

(8)(A) be—

(i) in writing, dated, and signed by the individual; or

(ii) in electronic form, dated and authenticated by the individual using an authentication method approved by the Secretary; and

(B) not have been revoked under subparagraph (A);

(9) describe the procedure by which an individual can amend an authorization previously obtained by a person;

(10) include a concise description of any systems or services used for access, maintenance, retention, modification, recording, storage, destruction, or other use of protected health information by the authorized person, including—

(A) a description of any linkages made with other systems, databases, networks, or services external to the authorized person; and

(B) how the linkages made with other systems, databases, networks, or services external to the authorized person meet the privacy and security standards of the authorized person;

(11) describe the extent to which the authorized person will share information with sub-contracted persons, and the geographic location of sub-contracted persons, including those operating or located overseas, except that the authorized person shall obtain the informed consent of the individual involved prior to outsourcing such individual's protected health information to a sub-contracted person operating or located overseas; and

(12) describe the nature and probability of harm to the individual resulting from authorization for use or disclosure, consistent with the principle of informed consent.

(c) LIMITATION ON AUTHORIZATIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a person described in section 102(a)(1) that seeks an authorization under this title may not condition the delivery of treatment or payment for services on the receipt of such an authorization.

(2) RIGHT TO REQUIRE SELF-PAYMENT.—If an individual has refused to provide an authorization for disclosure of administrative billing information to a person and such authorization is necessary for a health care provider to receive payment for services delivered, the health care provider may require the individual to pay from their own funds for the services.

(3) RIGHT OF HEALTH CARE PROVIDER TO REQUIRE AUTHORIZATION FOR TREATMENT PURPOSES.—If a health care provider that is seeking an authorization for disclosure of an individual's protected health information believes that the disclosure of such information is necessary so as not to endanger the health or treatment of the individual, and if the withholding of services will not endanger the life of the individual, the health care provider may condition the provision of services upon the individual's execution of an authorization to disclose personal health information to the minimum extent necessary.

(4) AUTHORIZATIONS FOR PAYMENT UNDER CERTAIN CIRCUMSTANCES.—If an individual is in a physical or mental condition such that the individual is not capable of authorizing

the disclosure of protected health information and no other arrangements have been made to pay for the health care services being rendered to the patient, such information may be disclosed to a governmental authority to the extent necessary to determine the individual's eligibility for, and to obtain, payment under a governmental program for health care services provided to the patient. The information may also be disclosed to another provider of health care or health care service plan as necessary to assist the other provider or health care service plan in obtaining payment for health care services rendered by that provider of health care or health care service plan to the patient.

(d) MODEL AUTHORIZATIONS.—The Secretary, in consultation with the Director of the Office of Health Information Privacy, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in this section and model statements of the limitations on authorizations. Any authorization obtained on a model authorization form under section 202 developed by the Secretary pursuant to the preceding sentence shall be deemed to satisfy the requirements of this section.

(e) SEGREGATION OF FILES.—A person described in section 102(a)(1) shall comply with the request of an individual who is the subject of protected health information—

(1) to hide, mask, or mark separate any type or amount of protected health information held by the person; and

(2) to limit the use or disclosure of the segregated health information within the person to those specifically designated by the subject of the protected health information.

(f) REVOCATION OF AUTHORIZATION.—

(1) IN GENERAL.—An individual may, electronically or in writing, revoke or amend an authorization under this section at any time, unless the disclosure that is the subject of the authorization is required to effectuate payment for health care that has been provided to the individual and for which the individual has declined or refused to pay from the individual's own funds.

(2) HEALTH PLANS.—With respect to a health plan, the authorization of an individual is deemed to be revoked at the time of the cancellation or non-renewal of enrollment in the health plan, except as may be necessary to complete plan administration and payment requirements related to the individual's period of enrollment.

(3) ACTIONS.—An individual may not maintain an action against a person for disclosure of personally identifiable health information—

(A) if the disclosure was made based on a good faith reliance on the individual's authorization under this section at the time such disclosure was made;

(B) in a case in which the authorization is revoked, if the disclosing person had no actual or constructive notice of the revocation; or

(C) if the disclosure was for the purpose of protecting another individual from imminent physical harm, and is authorized under section 204.

(g) RECORD OF INDIVIDUAL'S AUTHORIZATIONS AND REVOCATIONS.—Each person accessing, maintaining, retaining, modifying, recording, storing, destroying, or otherwise using personally identifiable or protected health information shall maintain a record for a period of 7 years of each authorization by an individual and any revocation thereof, and such record shall become part of the individual's health record set.

(h) RULE OF CONSTRUCTION.—Authorizations for the disclosure of protected health information for treatment or payment shall not authorize the disclosure of such information where the intent is to sell, market, transfer, or use the protected health information for a commercial advantage other than for the revenues directly derived from the provision of health care to that individual. With respect to such a disclosure for a use other than for treatment or payment, a separate authorization that satisfies the requirements of section 203 is required.

SEC. 203. AUTHORIZATIONS FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION OTHER THAN FOR TREATMENT OR PAYMENT.

(a) IN GENERAL.—To satisfy the requirement under section 201(b)(1), a health care provider, health plan, health oversight agency, public health authority, employer, health researcher, law enforcement official, health or life insurer, school or university, or other person described under section 102(a)(1) that seeks to disclose protected health information for a purpose other than treatment or payment shall obtain an authorization that satisfies the requirements of subsections (b), (e), (f), and (g) of section 202. Such an authorization under this section shall be separate from an authorization provided under section 202.

(b) LIMITATION ON AUTHORIZATIONS.—

(1) IN GENERAL.—A person subject to section 202 may not condition the delivery of treatment, or payment for services, on the receipt of an authorization described in this section.

(2) REQUIREMENT FOR SEPARATE AUTHORIZATION.—A person subject to section 202 may not disclose protected health information to any employees or agents who are responsible for making employment, work assignment, or other personnel decisions with respect to the subject of the information without a separate authorization permitting such a disclosure.

(c) MODEL AUTHORIZATIONS.—The Secretary, in consultation with the Director of the Office of Health Information Privacy, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in subsection (a). Any authorization obtained on a model authorization form under this section shall be deemed to meet the authorization requirements of this section.

(d) REQUIREMENT TO RELEASE PROTECTED HEALTH INFORMATION TO CORONERS AND MEDICAL EXAMINERS.—

(1) IN GENERAL.—When a coroner or medical examiner or their duly appointed deputies seek protected health information for the purpose of inquiry into and determination of, the cause, manner, and circumstances of an individual's death, the health care provider, health plan, health oversight agency, public health authority, employer, health researcher, law enforcement officer, health or life insurer, school or university, or other person involved shall provide that individual's protected health information to the coroner or medical examiner or to the duly appointed deputies without undue delay.

(2) PRODUCTION OF ADDITIONAL INFORMATION.—If a coroner or medical examiner or their duly appointed deputies receives health information from a person referred to in paragraph (1), such health information shall remain as protected health information unless the health information is attached to or otherwise made a part of a coroner's or medical examiner's official report, in which case it shall no longer be protected.

(3) EXEMPTION.—Health information attached to or otherwise made a part of a coroner's or medical examiner's official report shall be exempt from the provisions of this Act except as provided for in this subsection.

(4) REIMBURSEMENT.—A person referred to paragraph (1) may request reimbursement from a coroner or medical examiner for the reasonable costs associated with inspection or copying of protected health information maintained, retained, or stored by such person.

(e) REVOCATION OR AMENDMENT OF AUTHORIZATION.—An individual may, in writing, revoke or amend an authorization under this section at any time.

(f) ACTIONS.—An individual may not maintain an action against a person described in section 102(a)(1) for the disclosure of protected health information—

(1) if the disclosure was made based on a good faith reliance on the individual's authorization under this section at the time disclosure was made;

(2) in a case in which the authorization is revoked, if the disclosing person had no actual or constructive notice of the revocation; or

(3) if the disclosure was for the purpose of protecting another individual from imminent physical harm, and is authorized under section 204.

(g) RECORD OF AUTHORIZATIONS AND REVOCATIONS.—Each person accessing, maintaining, retaining, modifying, recording, storing, destroying, or otherwise using personally identifiable or protected health information for purposes other than treatment or payment shall maintain a record for a period of 7 years of each authorization by an individual and any revocation thereof, and such record shall become part of the individual's health record set.

SEC. 204. NOTIFICATION IN THE CASE OF BREACH.

(a) IN GENERAL.—A person described in section 102(a)(1) that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise uses or discloses protected health information shall, following the discovery of a security breach of such information, notify each individual whose protected health information has been, or is reasonably believed to have been, accessed, or acquired during such breach.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any person engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects protected health information that the person does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) NOTICE BY OWNER, LICENSEE, OR OTHER DESIGNATED THIRD PARTY.—Nothing in this subtitle shall be construed to prevent or abrogate an agreement between a person required to give notice under this section and a designated third party, including an owner or licensee of the protected health information subject to the security breach, to provide the notifications required under subsection (a).

(3) PERSON RELIEVED FROM GIVING NOTICE.—A person obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the protected health information subject to the security breach, or other designated third party, provides such notification.

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—All notifications required under this section shall be made within 15 business days, or earlier if the Secretary determines appropriate, following the discovery by the person of a security breach.

(2) BURDEN OF PROOF.—The person required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this subtitle, including evidence demonstrating the necessity of any delay.

(d) METHODS OF NOTICE.—A person described in subsection (a) shall provide to an

individual the following forms of notice in the case of a security breach:

(1) INDIVIDUAL NOTICE.—Notice required under this section shall be provided in such form as the individual selects, including—

(A) written notification to the last known home mailing address of the individual in the records of the person;

(B) telephone notice to the individual personally; or

(C) e-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) MEDIA NOTICE.—Notice shall be provided to prominent media outlets serving a State or jurisdiction, if the protected health information of more than 1,000 residents of such State or jurisdiction is, or is reasonably believed to have been, acquired by an unauthorized person.

(3) NOTICE TO SECRETARY.—Notice shall be provided to the Secretary for persons described in section 102 (a)(1) that have lost, stolen, disclosed, or used in an unauthorized manner or for an unauthorized purpose the protected health information of a significant number of individuals.

(e) CONTENT OF NOTIFICATION.—Regardless of the method by which notice is provided to individuals under section 104, notice of a security breach shall include, to the extent possible—

(1) a description of the protected health information that has been, or is reasonably believed to have been, accessed, disclosed, or otherwise used by an unauthorized person;

(2) a toll-free number that the individual may use to contact the person described in subsection (a) to learn what types of protected health information the person maintained about that individual; and

(3) toll-free contact telephone numbers and addresses for major credit reporting agencies.

(f) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation or cause damage to national security, such notification shall be delayed upon written notice from the Federal law enforcement agency to the person that experienced the breach.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), a person shall give notice not later than 30 days after such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall arise in any court against any Federal law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this subtitle.

Subtitle B—Disclosure Under Special Circumstances

SEC. 211. EMERGENCY CIRCUMSTANCES.

(a) GENERAL RULE.—In the event of a threat of imminent physical or mental harm to the subject of protected health information, any person may, in order to allay or remedy such threat, disclose protected health information about such subject to a health care provider, health care facility, law enforcement authority, or emergency medical personnel, to the minimum extent necessary and only if determined appropriate by a health care provider.

(b) HARM TO OTHERS.—Any person may disclose protected health information about the subject of the information where—

(1) such subject has made an identifiable threat of serious injury or death with respect to an identifiable individual or group of individuals;

(2) the subject has the ability to carry out such threat; and

(3) the release of such information is necessary to prevent or significantly reduce the possibility of such threat being carried out.

SEC. 212. PUBLIC HEALTH.

(a) IN GENERAL.—A health care provider, health plan, public health authority, employer, health or life insurer, law enforcement official, school or university, or other person described in section 102(a)(1) may disclose protected health information to a public health authority or other entity authorized by public health law, when receipt of such information by the authority or other entity—

(1) relates directly to a specified public health purpose;

(2) is reasonably likely to achieve such purpose; and

(3) is intended for a purpose that cannot be achieved through the receipt or use of de-identified health information.

(b) PUBLIC HEALTH PROTECTION DEFINED.—For purposes of subsection (a), the term ''public health protection'' means a population-based activity or individual effort, authorized by law, the purpose of which is the prevention of injury, disease, or premature mortality, or the promotion of health, in a community, including—

(1) assessing the health needs and status of the community through public health surveillance and epidemiological research;

(2) implementing public health policy;

(3) responding to public health needs and emergencies; and

(4) any other activities or efforts authorized by law.

(c) LIMITATIONS.—The purpose of the disclosure described in subsection (a) should be of sufficient importance to warrant the potential effect on, or risk to, the privacy of individuals that the additional exposure of protected health information might bring. Any infringement on the right to privacy under this section should use the least intrusive means that are tailored to minimize intrusion on the right to privacy.

SEC. 213. PROTECTION AND ADVOCACY AGENCIES.

Any person described in section 102(a)(1) that creates, accesses, maintains, retains, modifies, records, stores, destroys, or otherwise uses or discloses protected health information under this title may disclose such information to a protection and advocacy agency established under part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) or under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) when such person can establish that there is probable cause to believe that an individual who is the subject of the protected health information is vulnerable to abuse and neglect by an entity providing health or social services to the individual.

SEC. 214. OVERSIGHT.

(a) IN GENERAL.—A health care provider, health plan, employer, law enforcement official, health or life insurer, public health authority, health researcher, school or university, or other person described in section 102(a)(1) may disclose protected health information to a health oversight agency to enable the agency to perform a health oversight function authorized by law, if—

(1) the purpose for which the disclosure is to be made cannot reasonably be accomplished without protected health information;

(2) the purpose for which the disclosure is to be made is of sufficient importance to warrant the effect on, or the risk to, the privacy of the individuals that additional exposure of the information might bring; and

(3) there is a reasonable probability that the purpose of the disclosure will be accomplished.

(b) USE AND MAINTENANCE OF PROTECTED HEALTH INFORMATION.—A health oversight agency that receives protected health information under this section—

(1) shall secure protected health information in all work papers and all documents summarizing the health oversight activity through technological, administrative, and physical safeguards including cryptographic-key based encryption;

(2) shall maintain in its records only such information about an individual as is relevant and necessary to accomplish the purpose for which the protected health information was obtained;

(3) using appropriate encryption measures. shall maintain such information securely and limit access to such information to those persons with a legitimate need for access to carry out the purpose for which the records were obtained; and

(4) shall remove or destroy the information that allows subjects of protected health information to be identified at the earliest time at which removal or destruction can be accomplished, consistent with the purpose of the health oversight activity.

(c) USE OF PROTECTED HEALTH INFORMATION IN JUDICIAL PROCEEDINGS.—

(1) IN GENERAL.—The disclosure and use of protected health information in any judicial, administrative, court, or other public proceeding or investigation relating to a health oversight activity shall be undertaken in such a manner as to preserve the confidentiality and privacy of individuals who are the subject of the information, unless disclosure is required by the nature of the proceedings.

(2) LIMITING DISCLOSURE.—Whenever disclosure of the identity of the subject of protected health information is required by the nature of the proceedings, or it is impracticable to redact the identity of such individual, the agency shall request that the presiding judicial or administrative officer enter an order limiting the disclosure of the identity of the subject to the extent possible, including the redacting of the protected health information from publicly disclosed or filed pleadings or records.

(d) AUTHORIZATION BY A SUPERVISOR.—For purposes of this section, the individual with authority to authorize the oversight function involved shall provide to the disclosing person described in subsection (a) a statement that the protected health information is being sought for a legally authorized oversight function.

(e) USE IN ACTION AGAINST INDIVIDUALS.—Protected health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, an administrative, civil, or criminal action or investigation directed against the individual, unless the action or investigation arises out of and is directly related to—

(1) the receipt of health care or payment for health care;

(2) a fraudulent claim related to health; or

(3) oversight of a public health authority or a health researcher.

SEC. 215. DISCLOSURE FOR LAW ENFORCEMENT, NATIONAL SECURITY, AND INTELLIGENCE PURPOSES.

(a) ACCESS TO PROTECTED HEALTH INFORMATION FOR LAW ENFORCEMENT, NATIONAL SECURITY, AND INTELLIGENCE ACTIVITIES.—A person described in section 102(a)(1), or a person who receives protected health information pursuant to section 211, may disclose protected health information to—

(1) an investigative or law enforcement officer pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a grand jury subpoena, civil subpoena, civil investigative demand, or a court order under limitations set forth in subsection (b); and

(2) an authorized Federal official for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. 401 et seq.) and implementing authority (Executive Order 12333), or otherwise by law.

(b) REQUIREMENTS FOR COURT ORDERS FOR ACCESS TO PROTECTED HEALTH INFORMATION.—A court order for the disclosure of protected health information under subsection (a)(1) may be issued by any court that is a court of competent jurisdiction and shall issue only if the investigative or law enforcement officer submits a written application upon oath or equivalent affirmation demonstrating that there is probable cause to believe that—

(1) the protected health information sought is relevant and material to an ongoing criminal investigation, except in the case of a State government authority, such a court order shall not issue if prohibited by the law of such State;

(2) the investigative or evidentiary needs of the investigative or law enforcement officer cannot reasonably be satisfied by de-identified health information or by any other information; and

(3) the law enforcement need for the information outweighs the privacy interest of the individual to whom the information pertains.

(c) MOTIONS TO QUASH OR MODIFY.—A court issuing an order pursuant to this section, on a motion made promptly by a person described in subsection (a)(1) may quash or modify such order if the court finds that information or records requested are unreasonably voluminous or if compliance with such order otherwise would cause an unreasonable burden on such entities.

(d) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no order for the disclosure of protected health information about an individual may be issued by a court under this section unless prior notice of the application for the order has been served on the individual and the individual has been afforded an opportunity to oppose the issuance of the order.

(2) NOTICE NOT REQUIRED.—An order for the disclosure of protected health information about an individual may be issued without prior notice to the individual if the court finds that notice would be impractical because—

(A) the name and address of the individual are unknown; or

(B) notice would risk destruction or unavailability of the evidence, intelligence, counter-intelligence, or other national security information.

(e) CONDITIONS.—Upon the granting of an order for disclosure of protected health information under this section, the court shall impose appropriate safeguards to ensure the confidentiality of such information and to protect against unauthorized or improper use or disclosure.

(f) LIMITATION ON USE AND DISCLOSURE FOR NATIONAL SECURITY, INTELLIGENCE, AND OTHER LAW ENFORCEMENT INQUIRIES.—Protected health information about an individual that is disclosed under this section may not be used in, or disclosed to any entity for use in, any administrative, civil, or criminal action or investigation directed against the individual, unless the action or investigation arises out of, or is directly related to, the law enforcement, national security, or intelligence inquiry for which the information was obtained.

(g) DESTRUCTION OR RETURN OF INFORMATION.—When the matter or need for which protected health information was disclosed to an investigative or law enforcement officer, a Federal official authorized for the conduct of lawful intelligence, counter-intelligence, and other national security activities, or authorized Federal official, or grand jury has concluded, including any derivative matters arising from such matter or need, the law enforcement agency, authorized Federal official, or grand jury shall either destroy the protected health information, or return it to the entity from which it was obtained.

(h) REDACTIONS.—To the extent practicable, and consistent with the requirements of due process, a law enforcement agency shall redact personally identifying information from protected health information prior to the public disclosure of such protected information in a judicial or administrative proceeding.

(i) EXCEPTION.—This section shall not be construed to limit or restrict the ability of law enforcement authorities to gain information while in hot pursuit of a suspect or if other exigent circumstances exist.

SEC. 216. NEXT OF KIN AND DIRECTORY INFORMATION.

(a) NEXT OF KIN.—A health care provider, or a person that receives protected health information under section 211, may disclose protected health information about health care services provided to an individual to the individual's next of kin, or to another entity that the individual has identified, if at the time of the treatment of the individual—

(1) the individual—

(A) has been notified of the individual's right to object to such disclosure and the individual has not objected to the disclosure; or

(B) is in a physical or mental condition such that the individual is not capable of objecting, and there are no prior indications that the individual would object; and

(2) the information disclosed is relevant to health care services currently being provided to that individual.

(b) DIRECTORY INFORMATION.—

(1) DISCLOSURE.—

(A) IN GENERAL.—Except as provided in paragraph (2), with respect to an individual who is admitted as an inpatient to a health care facility, a person described in subsection (a) may disclose information described in subparagraph (B) about the individual to any entity if, at the time of the admission, the individual—

(i) has been notified of the individual's right to object and has not objected to the disclosure; or

(ii) is in a physical or mental condition such that the individual is not capable of objecting and there are no prior indications that the individual would object.

(B) INFORMATION.—Information described in this subparagraph is information that consists only of 1 or more of the following items:

(i) The name of the individual who is the subject of the information.

(ii) The general health status of the individual, described as critical, poor, fair, stable, or satisfactory or in terms denoting similar conditions.

(iii) The location of the individual within the health care facility to which the individual is admitted.

(2) EXCEPTION.—Paragraph (1)(B)(iii) shall not apply if disclosure of the location of the individual would reveal specific information about the physical or mental condition of the individual, unless the individual expressly authorizes such disclosure.

(c) DIRECTORY OR NEXT-OF-KIN INFORMATION.—A disclosure may not be made under this section if the disclosing person described in subsection (a) has reason to believe that the disclosure of directory or next-of-kin information could lead to the physical or mental harm of the individual, unless the individual expressly authorizes such disclosure.

SEC. 217. HEALTH RESEARCH.

(a) REGULATIONS.—

(1) IN GENERAL.—The requirements and protections provided for under part 46 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), shall apply to all health research.

(2) EFFECTIVE DATE.—Paragraph (1) shall not take effect until the Secretary has promulgated final regulations to implement such paragraph.

(b) EVALUATION.—Not later than 24 months after the date of enactment of this Act, the Secretary shall prepare and submit to Congress detailed recommendations on whether written informed consent should be required, and if so, under what circumstances, before protected health information can be used for health research.

(c) RECOMMENDATIONS.—The recommendations required to be submitted under subsection (b) shall include—

(1) a detailed explanation of current institutional review board practices, including the extent to which the privacy of individuals is taken into account as a factor before allowing waivers and under what circumstances informed consent is being waived;

(2) a summary of how technology could be used to strip identifying data for the purposes of research;

(3) an analysis of the risks and benefits of requiring informed consent versus the waiver of informed consent;

(4) an analysis of the risks and benefits of using protected health information for research purposes other than the health research project for which such information was obtained; and

(5) an analysis of the risks and benefits of allowing individuals to consent or to refuse to consent, at the time of receiving medical treatment, to the possible future use of records of medical treatments for research studies.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with individuals who have distinguished themselves in the fields of health research, privacy, related technology, consumer interests in health information, health data standards, and the provision of health services.

(e) CONGRESSIONAL NOTICE.—Not later than 6 months after the date on which the Secretary submits to Congress the recommendations required under subsection (b), the Secretary shall propose to implement such recommendations through regulations promulgated on the record after opportunity for a hearing, and shall advise the Congress of such proposal.

(f) OTHER REQUIREMENTS.—

(1) OBLIGATIONS OF THE RECIPIENT.—A person who receives protected health information pursuant to this section shall remove or destroy, at the earliest opportunity consistent with the purposes of the project involved, information that would enable an individual to be identified, unless—

(A) an institutional review board has determined that there is a health or research justification for the retention of such identifiers; and

(B) there is an adequate plan to protect the identifiers from disclosure consistent with this section.

(2) PERIODIC REVIEW AND TECHNICAL ASSISTANCE.—

(A) INSTITUTIONAL REVIEW BOARD.—Any institutional review board that authorizes research under this section shall provide the Secretary with the names and addresses of the institutional review board members.

(B) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to institutional review boards described in this subsection.

(C) MONITORING.—The Secretary shall periodically monitor institutional review boards described in this subsection.

(D) REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall report to Congress regarding the activities of institutional review boards described in this subsection.

(g) LIMITATION.—Nothing in this section shall be construed to permit protected health information that is received by a researcher under this section to be accessed for purposes other than research or as authorized by the individual that is the subject of such protected health information.

SEC. 218. JUDICIAL AND ADMINISTRATIVE PURPOSES.

(a) IN GENERAL.—A person described in section 102(a)(1), or a person who receives protected health information under section 211, may disclose protected health information—

(1) pursuant to the standards and procedures established in the Federal Rules of Civil Procedure or comparable rules of other courts or administrative agencies, in connection with litigation or proceedings to which an individual who is the subject of the information is a party and in which the individual has placed his or her physical or mental condition at issue;

(2) to a court, and to others ordered by the court, if in response to a court order issued by a court of competent jurisdiction in accordance with subsections (b) and (c); or

(3) if necessary to present to a court an application regarding the provision of treatment of an individual or the appointment of a guardian.

(b) COURT ORDERS FOR ACCESS TO PROTECTED HEALTH INFORMATION.—A court order for the disclosure of protected health information under subsection (a) may be issued only if the person seeking disclosure submits a written application upon oath or equivalent affirmation demonstrating by clear and convincing evidence that—

(1) the protected health information sought is necessary for the adjudication of a material fact in dispute in a civil proceeding;

(2) the adjudicative need cannot be reasonably satisfied by de-identified health information or by any other information; and

(3) the need for the information outweighs the privacy interest of the individual to whom the information pertains.

(c) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no order for the disclosure of protected health information about an individual may be issued by a court unless notice of the application for the order has been served on the individual and the individual has been afforded an opportunity to oppose the issuance of the order.

(2) NOTICE NOT REQUIRED.—An order for the disclosure of protected health information about an individual may be issued without notice to the individual if the court finds, by clear and convincing evidence, that notice would be impractical because—

(A) the name and address of the individual are unknown; or

(B) notice would risk destruction or unavailability of the evidence.

(d) OBLIGATIONS OF RECIPIENT.—A person seeking protected health information pursuant to subsection (a)(1)—

(1) shall notify the individual or the individual's attorney of the request for the information;

(2) shall provide the health care provider, health plan, health oversight agency, employer, insurer, health or life insurer, school or university, agent, or other person involved with a signed document attesting—

(A) that the individual has placed his or her physical or mental condition at issue in litigation or proceedings in which the individual is a party; and

(B) the date on which the individual or the individual's attorney was notified under paragraph (1); and

(3) shall not accept any requested protected health information from the health care provider, health plan, health oversight agency, employer, insurer, health or life insurer, school or university, agent, or other person until the termination of the 10-day period beginning on the date notice was given under paragraph (1).

SEC. 219. INDIVIDUAL REPRESENTATIVES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person who is authorized by law (based on grounds other than an individual's status as a minor), or by an instrument recognized under law, to act as an agent, attorney, proxy, or other legal representative of an individual, may, to the extent so authorized, exercise and discharge the rights of the individual under this Act.

(b) HEALTH CARE POWER OF ATTORNEY.—A person who is authorized by law (based on grounds other than being a minor), or by an instrument recognized under law, to make decisions about the provision of health care to an individual who is incapacitated, may exercise and discharge the rights of the individual under this Act to the extent necessary to effectuate the terms or purposes of the grant of authority.

(c) NO COURT DECLARATION.—If a physician or other health care provider determines that an individual, who has not been declared to be legally incompetent, suffers from a medical condition that prevents the individual from acting knowingly or effectively on the individual's own behalf, the right of the individual to access or amend the health information and to authorize disclosure under this Act may be exercised and discharged in the best interest of the individual by—

(1) a person described in subsection (b) with respect to the individual;

(2) a person described in subsection (a) with respect to the individual, but only if a person described in paragraph (1) cannot be contacted after a reasonable effort or if there is no individual who fits the description in paragraph (1);

(3) the next of kin of the individual, but only if a person described in paragraph (1) or (2) cannot be contacted after a reasonable effort; or

(4) the health care provider, but only if a person described in paragraph (1), (2), or (3) cannot be contacted after a reasonable effort.

(d) RIGHTS OF MINORS.—

(1) INDIVIDUALS WHO ARE 18 OR LEGALLY CAPABLE.—In the case of an individual—

(A) who is 18 years of age or older, all rights of the individual under this Act shall be exercised by the individual; or

(B) who, acting alone, can consent to health care without violating any applicable law, and who has sought such care, the individual shall exercise all rights of an individual under this Act with respect to protected health information relating to such health care.

(2) INDIVIDUALS UNDER 18.—Except as provided in paragraph (1)(B), in the case of an individual who is—

(A) under 14 years of age, all of the individual's rights under this Act shall be exercised through the parent or legal guardian; or

(B) 14 through 17 years of age, the rights of inspection, supplementation, and modification, and the right to authorize use and disclosure of protected health information of the individual shall be exercised by—

(i) the individual where no parent or legal guardian exists;

(ii) the parent or legal guardian of the individual; or

(iii) the individual if the parent or legal guardian determined that the individual has the sole right the control their health information.

(e) DECEASED INDIVIDUALS.—

(1) APPLICATION OF ACT.—The provisions of this Act shall continue to apply to protected health information concerning a deceased individual.

(2) EXERCISE OF RIGHTS ON BEHALF OF A DECEASED INDIVIDUAL.—A person who is authorized by law or by an instrument recognized under law, to act as an executor or administrator of the estate of a deceased individual, or otherwise to exercise the rights of the deceased individual, may, to the extent so authorized, exercise and discharge the rights of such deceased individual under this Act. If no such designee has been authorized, the rights of the deceased individual may be exercised as provided for in subsection (c).

(3) IDENTIFICATION OF DECEASED INDIVIDUAL.—A person described in section 216(a) may disclose protected health information if such disclosure is necessary to assist in the identification of a deceased individual.

TITLE III—OFFICE OF HEALTH INFORMATION PRIVACY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Subtitle A—Designation

SEC. 301. DESIGNATION.

(a) IN GENERAL.—The Secretary shall designate an office within the Department of Health and Human Services to be known as the Office of Health Information Privacy (referred to in this section as the ''Office''). The Office shall be headed by a Director, who shall be appointed by the Secretary.

(b) DUTIES.—The Director of the Office shall—

(1) receive and investigate complaints of alleged violations of this Act;

(2) provide for the conduct of audits where appropriate;

(3) provide guidance to the Secretary on the implementation of this Act;

(4) provide guidance to health care providers and other relevant individuals concerning the manner in which to interpret and implement the privacy protections under this Act (and the regulations promulgated under this Act);

(5) prepare and submit the report described in subsection (c);

(6) consult with, and provide recommendation to, the Secretary concerning improvements in the privacy and security of protected health information and concerning medical privacy research needs; and

(7) carry out any other activities determined appropriate by the Secretary.

(c) STANDARDS FOR CERTIFICATION.—

(1) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the Director of the Office and the Director of the Office of Civil Rights, shall establish and implement standards for health information technology products used to access, disclose, maintain, store, distribute, transmit, amend, or dispose of protected health information in a manner that protects the individual's right to privacy, confidentiality, and security relating to that information.

(2) STAKEHOLDER PARTICIPATION.—In establishing the standards under paragraph (1),

the Secretary shall ensure the participation of various stakeholders, including patients and consumer advocates, privacy advocates, experts in information technology and information systems, and experts in health care.

(d) REPORT ON COMPLIANCE.—Not later than January 1 of the first calendar year beginning more than 1 year after the establishment of the Office under subsection (a), and every January 1 thereafter, the Secretary, in consultation with the Director of the Office, shall prepare and submit to Congress a report concerning the number of complaints of alleged violations of this Act that are received during the year for which the report is being prepared. Such report shall describe the complaints and any remedial action taken concerning such complaints and shall be made available to the public on the Internet website of the Department of Health and Human Services.

Subtitle B—Enforcement

CHAPTER 1—CRIMINAL PROVISIONS

SEC. 311. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

"CHAPTER 124—WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION

"SEC. 2801. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

''(a) OFFENSE.—The penalties described in subsection (b) shall apply to a person that knowingly and intentionally—

''(1) obtains, uses, or attempts to obtain or use protected health information relating to an individual in violation of title II of the Health Information Privacy and Security Act; or

''(2) discloses or attempts to disclose protected health information to another person in violation of title II of the Health Information Privacy and Security Act.

''(b) PENALTIES.—A person described in subsection (a) shall—

''(1) be fined not more than $50,000, imprisoned not more than 1 year, or both;

''(2) if the offense is committed under false pretenses, be fined not more than $250,000 or imprisoned not more than 5 years, or both; or

''(3) if the offense is committed with the intent to sell, transfer, or use protected health information for commercial advantage, personal gain, or malicious harm, be fined not more than $500,000, imprisoned not more than 10 years, or any combination of such penalties.

''(c) SUBSEQUENT OFFENSES.—In the case of a person described in subsection (a), the maximum penalties described in subsection (b) shall be doubled for every subsequent conviction for an offense arising out of a violation or violations related to a set of circumstances that are different from those involved in the previous violation or set of related violations described in such subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following new item:

''Sec. 2801. Wrongful disclosure of protected health information.''

SEC. 312. DEBARMENT FOR CRIMES AND CIVIL VIOLATIONS.

(a) PURPOSE.—The purpose of this section is to prevent and deter instances of intentional criminal actions that violate criminal laws that are designed to protect the privacy of protected health information in a manner consistent with this Act.

(b) DEBARMENT.—Not later than 270 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary, shall promulgate regulations and establish procedures to permit the debarment of health care providers, health researchers, health or life insurers, employers, or schools or universities from receiving benefits under any Federal health program or other Federal procurement program if the managers or officers of such persons are found guilty of violating section 2801 of title 18, United States Code, have civil penalties imposed against such officers or managers under section 321 in connection with the illegal disclosure of protected health information, or are found guilty of making a false statement or obstructing justice related to attempting to conceal or concealing such illegal disclosure. Such regulations shall take into account the need for continuity of medical care and may provide for a delay of any debarment imposed under this section to take into account the medical needs of patients.

(c) CONSULTATION.—Prior to publishing a proposed rule to implement subsection (b), the Attorney General shall consult with State law enforcement officials, health care providers, patient privacy rights' advocates, and other appropriate persons, to gain additional information regarding the debarment of persons under subsection (b) and the best methods to ensure the continuity of medical care.

(d) REPORT.—The Attorney General shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report concerning the activities and debarment actions taken by the Attorney General under this section.

(e) ASSISTANCE TO PREVENT CRIMINAL VIOLATIONS.—The Attorney General, in cooperation with any other appropriate individual, organization, or agency, may provide advice, training, technical assistance, and guidance regarding ways to reduce the incidence of improper disclosure of protected health information.

(f) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local governmental agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person, in a civil, criminal, or administrative proceeding.

CHAPTER 2—CIVIL SANCTIONS

SEC. 321. CIVIL PENALTY.

A health care provider, health researcher, health plan, health oversight agency, public health agency, law enforcement agency, employer, health or life insurer, school or university, agent or other person described in section 102(a)(1), who the Secretary, in consultation with the Attorney General, determines has substantially and materially failed to comply with this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(1) in a case in which the violation relates to title I, to a civil penalty of not more than $500 for each such violation, but not to exceed $5,000 in the aggregate for multiple violations;

(2) in a case in which the violation relates to title II, to a civil penalty of not more than $10,000 for each such violation, but not to exceed $50,000 in the aggregate for multiple violations; or

(3) in a case in which such violations have occurred with such frequency as to constitute a general business practice, to a civil penalty of not more than $100,000.

SEC. 322. PROCEDURES FOR IMPOSITION OF PENALTIES.

(a) INITIATION OF PROCEEDINGS.—The Attorney General, in consultation with the Secretary, may initiate a proceeding in United States District Court to recover a civil money penalty under section 321. The Attorney General may not initiate an action under this section with respect to any violation described in section 321 after the expiration of the 6-year period beginning on the date on which such violation was alleged to have occurred. The Attorney General may initiate an action under this section by filing a complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure.

(b) SCOPE OF PENALTY.—In determining the amount or scope of any penalty sought pursuant to section 321, the Attorney General shall take into account—

(1) the nature of claims and the circumstances under which they were presented;

(2) the degree of culpability, history of prior offenses, and financial condition of the person against whom the claim is brought; and

(3) such other matters as justice may require.

(c) RECOVERY OF PENALTIES.—

(1) IN GENERAL.—Civil money penalties imposed under this section may be recovered in a civil action in the name of the United States brought in United States district court for the district where the claim was presented, or where the claimant resides, as determined by the Attorney General. Amounts recovered under this section shall be paid to the United States and deposited as miscellaneous receipts of the Treasury of the United States.

(2) DEDUCTION FROM AMOUNTS OWING.—The amount of any penalty may be deducted from any sum then or later owing by the United States or a State to the person against whom the penalty has been assessed.

(d) INJUNCTIVE RELIEF.—Whenever the Attorney General in consultation with the Secretary has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil monetary penalty under section 321, the Attorney General may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil monetary penalty if any such penalty were to be imposed or to seek other appropriate relief.

(e) AGENCY.—A principal is jointly and severally liable with the principal's agent for penalties under section 321 for the actions of the principal's agent acting within the scope of the agency.

SEC. 323. CIVIL ACTION BY INDIVIDUALS.

(a) IN GENERAL.—Any individual whose rights under this Act have been knowingly or negligently violated may bring a civil action to recover—

(1) such preliminary and equitable relief as the court determines to be appropriate; and

(2) the greater of compensatory damages or liquidated damages of $5,000.

(b) PUNITIVE DAMAGES.—In any action brought under this section in which the individual has prevailed because of a knowing violation of a provision of this Act, the court may, in addition to any relief awarded under subsection (a), award such punitive damages as may be warranted.

(c) ATTORNEY'S FEES.—In the case of a civil action brought under subsection (a) in which the individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert fees) reasonably incurred.

(d) LIMITATION.—No action may be commenced under this section more than 3 years

after the date on which the violation was or should reasonably have been discovered.

(e) AGENCY.—A principal is jointly and severally liable with the principal's agent for damages under this section for the actions of the principal's agent acting within the scope of the agency.

(f) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—An action shall be brought under subsection (a) in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; and

(B) may be found.

(g) ADDITIONAL REMEDIES.—The equitable relief or damages that may be available under this section shall be in addition to any other lawful remedy or award that may be available.

SEC. 324. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State law to prosecute violations of consumer protection laws, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a person in a practice that is prohibited under this subtitle, the State or local law enforcement agency on behalf of the residents of the agency's jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle; or

(C) obtain civil penalties of not more than $1,000 per day per individual whose personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $50,000 per day.

(2) NOTICE.—

(A) IN GENERAL.—Prior to filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General and Secretary—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by a State attorney general under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this paragraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and a copy of the complaint to the Attorney General and Secretary as soon after the filing of the complaint as practicable.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(2), the Attorney General in consultation with the Secretary, shall, have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) intervene in an action brought under subsection (a)(2); and

(3) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subtitle against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 325. PROTECTION FOR WHISTLEBLOWER.

(a) PROHIBITION AGAINST DISCRIMINATION.—An employer may not discharge, demote, suspend, threaten, harass, retaliate against, or in any other manner discriminate or cause any employer to discriminate against an employee in the terms and conditions of employment because of any lawful act committed by the employee to provide information or cause information to be provided to a State or Federal official relating to an actual or suspected violation of this Act by an employer or an employee of an employer.

(b) ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—Any employee or former employee who alleges discharge or discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

(A) filing a complaint with the Secretary of Labor; or

(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint under subparagraph (A), and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURES.—

(A) IN GENERAL.—Except as provided in this paragraph, the complaint procedures contained in section 42121(b) of title 49, United States Code, shall apply with respect to a complaint filed under paragraph (1)(A).

(B) EXCEPTION.—With respect to a complaint filed under paragraph (1)(A), the notification provided for under section 42121(b)(1) of title 49, United States Code, (as required under subparagraph (A)) shall be made to the person named in the complaint and to the employer.

(C) BURDEN OF PROOF.—The legal burdens of proof contained in section 42121(b) of title 49, United States Code, shall apply to an action brought under paragraph (1)(B).

(D) STATUTE OF LIMITATIONS.—An action shall be filed under paragraph (1)(B), not later than 2 years after the date on which the alleged violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—If the district court determines in an action under subsection (b)(1) that a violation of subsection (a) has occurred, the court shall order any relief necessary to make the employee whole.

(2) COMPENSATORY DAMAGES.—Relief in any action under subsection (b)(1) shall include—

(A) reinstatement of the employee to the employee's former position with the same seniority status that the employee would have had but for the discrimination;

(B) payment of the amount of back pay, with interest, to which the employee is entitled; and

(C) the payment of compensation for any special damages sustained by the employee as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(d) RIGHTS RETAINED BY THE EMPLOYEE.—Nothing in this section shall be construed to diminish or eliminate the rights, privileges, or remedies available to an employee under any Federal or State law, or under any collective bargaining agreement.

(e) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberately causes or participates in the alleged violation; or

(2) knowingly or recklessly provides materially false information to an individual or entity described in subsection (a).

(f) DEFINITIONS.—In this section:

(1) EMPLOY.—The term ''employ'' has the meaning given such term under section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)) for the purposes of implementing the requirements of that Act (29 U.S.C. 201, et seq.).

(2) EMPLOYEE.—The term ''employee'' means an individual who is employed by an employer.

(3) EMPLOYER.—The term ''employer'' means any person who employs employees, including any person acting directly or indirectly in the interest of any employer in relation to an employee and includes a public agency.

(g) GENERAL PROHIBITION AGAINST RETALIATION.—A person described in section 102(a)(1), or any other person that receives protected health information under this title, may not adversely affect another person, directly or indirectly, because such person has exercised a right under this Act, disclosed information relating to a possible violation of this Act, or associated with, or assisted, an individual in the exercise of a right under this Act.

TITLE IV—MISCELLANEOUS

SEC. 401. RELATIONSHIP TO OTHER LAWS.

(a) FEDERAL AND STATE LAWS.—Nothing in this Act shall be construed as preempting, superseding, or repealing, explicitly or implicitly, other Federal or State laws or regulations relating to protected health information or relating to an individual's access to protected health information or health care services, if such laws or regulations provide protections for the rights of individuals to the privacy of, and access to, their health information that is greater than those provided for in this Act.

(b) PRIVILEGES.—Nothing in this Act shall be construed to preempt or modify any provisions of State statutory or common law to the extent that such law concerns a privilege of a witness or person in a court of that State. This Act shall not be construed to supersede or modify any provision of Federal statutory or common law to the extent such law concerns a privilege of a witness or entity in a court of the United States. Authorizations pursuant to section 202 shall not be construed as a waiver of any such privilege.

(c) CERTAIN DUTIES UNDER LAW.—Nothing in this Act shall be construed to preempt, supersede, or modify the operation of any State law that—

(1) provides for the reporting of vital statistics such as birth or death information;

(2) requires the reporting of abuse or neglect information about any individual;

(3) regulates the disclosure or reporting of information concerning an individual's mental health; or

(4) governs a minor's rights to access protected health information or health care services.

(d) FEDERAL PRIVACY ACT.—

(1) MEDICAL EXEMPTIONS.—Section 552a of title 5, United States Code, is amended by adding at the end the following:

''(w) CERTAIN PROTECTED HEALTH INFORMATION.—The head of an agency that is a health care provider, health plan, health oversight agency, employer, insurer, health or life insurer, school or university, or other entity who receives protected health information under section 218 of the Health Information Privacy and Security Act shall promulgate rules, in accordance with the requirements (including general notice) of subsections (b)(1), (b)(2), (b)(3), (c), (e) of section 553 of this title, to exempt a system of records within the agency, to the extent that the system of records contains protected health information (as defined in section 4 of such Act), from all provisions of this section except subsections (b)(6), (d), (e)(1), (e)(2), subparagraphs (A) through (C) and (E) through (I) of subsection (e)(4), and subsections (e)(5), (e)(6), (e)(9), (e)(12), (l), (n), (o), (p), (r), and (u).''.

(2) TECHNICAL AMENDMENT.—Section 552a(f)(3) of title 5, United States Code, is amended by striking ''pertaining to him,'' and all that follows through the semicolon and inserting ''pertaining to the individual''.

(e) HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.—The standards governing the privacy and security of individually identifiable health information promulgated by the Secretary of Health and Human Services under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996 shall remain in effect to the extent that they are consistent with this Act. The Secretary shall amend such Federal regulations as required to make such regulations consistent with this Act.

SEC. 402. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Unless specifically provided for otherwise, this Act shall take effect on the date that is 12 months after the date of the promulgation of the regulations required under subsection (b), or 30 months after the date of enactment of this Act, whichever is earlier.

(b) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, or as specifically provided for otherwise, the Secretary shall promulgate regulations implementing this Act.

KEEPING PATIENTS' DETAILS PRIVATE, EVEN FROM KIN

(By Jane Gross)

An emergency room nurse in Palos Heights, Ill., told Gerard Nussbaum he could not stay with his father-in-law while the elderly man was being treated after a stroke. Another nurse threatened Mr. Nussbaum with arrest for scanning his relative's medical chart to prove to her that she was about to administer a dangerous second round of sedatives.

The nurses who threatened him with eviction and arrest both made the same claim, Mr. Nussbaum said: that access to his father-in-law and his medical information were prohibited under the Health Insurance Portability and Accountability Act, or Hipaa, as the federal law is known.

Mr. Nussbaum, a health care and Hipaa consultant, knew better and stood his ground. Nothing in the law prevented his involvement. But the confrontation drove home the way Hipaa is misunderstood by medical professionals, as well as the frustration—and even peril—that comes in its wake.

Government studies released in the last few months show the frustration is widespread, an unintended consequence of the 1996 law.

Hipaa was designed to allow Americans to take their health insurance coverage with them when they changed jobs, with provisions to keep medical information confidential. But new studies have found that some health care providers apply Hipaa regulations overzealously, leaving family members, caretakers, public health and law enforcement authorities stymied in their efforts to get information.

Experts say many providers do not understand the law, have not trained their staff members to apply it judiciously, or are fearful of the threat of fines and jail terms—although no penalty has been levied in four years.

Some reports blame the language of the law itself, which says health care providers may share information with others unless the patient objects, but does not require them to do so. Thus, disclosures are voluntary and health care providers are left with broad discretion.

The unnecessary secrecy is a ''significant problem,'' said Mark Rothstein, chairman of a privacy subcommittee that advises the Department of Health and Human Services, which administers Hipaa. ''It's drummed into them that there are rules they have to follow without any perspective,'' he said about health care providers. ''So, surprise, surprise, they approach it in a defensive, somewhat arbitrary and unreasonable way.''

Susan McAndrew, deputy director of health information privacy at the Department of Health and Human Services, said that problems were less frequent than they once had been but that health care providers continued to hide behind the law. ''Either innocently or purposefully, entities often use this as an excuse,'' she said. ''They say 'Hipaa made me do it' when, in fact, they chose for other reasons not to make the permitted disclosures.''

Mr. Rothstein, one of Hipaa's harshest critics, has led years of hearings across the country. Transcripts of those hearings, and accounts from hospital administrators, patient advocates, lawyers, family members, and law enforcement officials offer an anthology of Hipaa misinterpretations, some alarming, some annoying:

Birthday parties in nursing homes in New York and Arizona have been canceled for fear that revealing a resident's date of birth could be a violation.

Patients were assigned code names in doctor's waiting rooms—say, ''Zebra'' for a child in Newton, Mass., or ''Elvis'' for an adult in Kansas City, Mo.—so they could be summoned without identification.

Nurses in an emergency room at St. Elizabeth Health Center in Youngstown, Ohio, refused to telephone parents of ailing students themselves, insisting a friend do it, for fear of passing out confidential information, the hospital's patient advocate said.

State health departments throughout the country have been slowed in their efforts to create immunization registries for children, according to Dr. James J. Gibson, the director of disease control in South Carolina, because information from doctors no longer flows freely.

Teaching staff to protect records is easier than teaching them to share them, said Robert N. Swidler, general counsel for Northeast Health, a nonprofit network in Troy, N.Y., that includes several hospitals.

''Over time, the staff has become a little more flexible and humane,'' Mr. Swidler said. ''But nurses aren't lawyers. This is a hyper-technical law and it tells them they may disclose but doesn't say they have to.''

Many experts, including critics like Mr. Rothstein and proponents like Ms. McAndrew, distinguish different categories of secrecy.

There are ''good faith nondisclosures,'' as when a floor nurse takes a phone call from someone claiming to be a family member but cannot verify that person's identity. Then there are ''bad faith nondisclosures,'' like using Hipaa as an excuse for not taking the time to gather records that public health officials need to help child abuse investigators trying to build a case.

Most common are seat-of-the-pants decisions made by employees who feel safer saying ''no'' than ''yes'' in the face of ambiguity.

That seemed to be what happened to his own mother, Mr. Rothstein said, when she called her doctor's office to discuss a problem. She was told by the receptionist that the doctor was not available, Mr. Rothstein said, and then inquired if the doctor was with a patient or out of the office. ''I can't tell you because of Hipaa,'' came the reply. In fact the doctor was home sick, which would have been helpful information in deciding whether to wait for a call back or head for the emergency room.

The law, medical professionals and privacy experts said, has had the positive effect of making confidentiality a priority as the nation moves toward fully computerized, cradle-to-grave medical records.

But safeguarding electronic privacy required a tangle of regulations issued in 2003, followed last year by 101 pages of ''administrative simplification.''

Senator Edward M. Kennedy, Democrat of Massachusetts, a sponsor of the original insurance portability law, was dismayed by the ''bizarre hodgepodge'' of regulations layered onto it, several staff members said, and by the department's failure to provide ''adequate guidance on what is and is not barred by the law.'' To that end, Mr. Kennedy, along with Senator Patrick M. Leahy, Democrat of Vermont, plans to introduce legislation creating an office within the Department of Health and Human Services dedicated to interpreting and enforcing medical privacy.

''In this electronic era it is essential to safeguard the privacy of medical records while insuring our privacy laws do not stifle the flow of information fundamental to effective health care,'' Mr. Kennedy said.

This spring, the department revised its Web site, www.hhs.gov/ocr/hipaa, in the interest of clarity. But Hipaa continues to baffle even the experts.

Ms. McAndrew explained some of the do's and don'ts of sharing information in a telephone interview:

Medical professionals can talk freely to family and friends, unless the patient objects. No signed authorization is necessary and the person receiving the information need not have the legal standing of, say, a health care proxy or power of attorney. As for public health authorities or those investigating crimes like child abuse, Hipaa defers to state laws, which often, though not always, require such disclosure. Medical workers may not reveal confidential information about a patient or case to reporters, but they can discuss general health issues.

Ms. McAndrew said there was no way to know how often information was withheld. Of the 27,778 privacy complaints filed since 2003, the only cases investigated, she said, were complaints filed by patients who were denied access to their own information, the one unambiguous violation of the law.

Complaints not investigated include the plights of adult children looking after their parents from afar. Experts say family members frequently hear, ''I can't tell you that because of Hipaa,'' when they call to check on the patient's condition.

That is what happened to Nancy Banks, who drove from Bartlesville, Okla., to her mother's bedside at Town and Country Hospital in Tampa, Fla., last week because Ms. Banks could not find out what she needed to know over the telephone.

Her 82-year-old mother had had a stroke. When Ms. Banks called her room she heard her mother ''screaming and yelling and crying,'' but conversation was impossible. So Ms. Banks tried the nursing station.

Whoever answered the phone was not helpful, so Ms. Banks hit the road. Twenty-two hours later, she arrived at the hospital.

But more of the same awaited her. She said her mother's nurse told her that ''because of the Hipaa laws I can get in trouble if I tell you anything.''

In the morning, she could speak to the doctor, she was told.

The next day, Ms. Banks was finally informed that her mother had had heart failure and that her kidneys were shutting down.

''I understand privacy laws, but this has gone too far,'' Ms. Banks said. ''I'm her daughter. This isn't right.''

A hospital spokeswoman, Elena Mesa, was asked if nurses were following Hipaa protocol when they denied adult children information about their parents.

She could not answer the question, Ms. Mesa said, because Hipaa prevented her from such discussions with the press.

Mr. KENNEDY. Mr. President, it is a privilege to join my friend and colleague Senator LEAHY in introducing the Protection of Health Information Privacy and Security Act of 2006. Protecting the privacy of patients' health information is a major priority in health reform, and I look forward to the enactment of this legislation to do so.

In 1996, the Senate enacted HIPAA, the Health Insurance Portability and Accountability Act, which I introduced with Senator Kassebaum. That law gave Americans the ability to continue their health insurance when they changed jobs. It has become clear, however, that the privacy rules under the act have not succeeded in protecting patients adequately.

Since HIPAA became law, numerous privacy bills to protect personal health information have been introduced in Congress, but none of them has been enacted.

In fact, the HIPAA law required the Secretary of Health and Human Services to develop privacy regulations if Congress failed to enact privacy rules by August 1999. When Congress did not act, the Department of Health and Human Services prescribed privacy rules, but its authority to do so under HIPAA was limited to regulating only the privacy-related activities of three specific ''covered entities,'' health care providers, payers, and clearinghouses. Other entities, such as schools, employers, and health agencies, can be regulated only indirectly, as business associates of covered entities, even though many of them also possess confidential health data.

This indirect oversight has made it very difficult to enforce implementation of the Department's safeguards for entities other than the three specifically listed in the HIPAA privacy rule. The result is that Americans continue to be at risk of having their personal medical records and other confidential health information wrongly distributed and exposed without their authorization, and often even without their knowledge.

One common problem involves domestic and offshore outsourcing. HIPAA-covered entities and business associates can hire outside companies, either in the U.S. or in other countries, to do work for them. The tasks of those outside companies may require them to obtain personal health information. There is widespread concern, however, that once this private information leaves the original holder, the legitimacy of any subsequent disclosure of it becomes much more difficult to enforce.

Obviously, we need to revise our approach to health information privacy in order to protect the rights of those who rely on their doctors and their Government to safeguard their private information.

The pending health information technology bill, S. 1693, was the subject of much discussion on this issue. Some feel that the bill should include more extensive privacy regulations than it does. But that measure is not the best vehicle to restructure health-information privacy. Attempting to rewrite privacy rules through health IT legislation would be a piecemeal approach to correcting the shortcomings of privacy protections. The Health Information Privacy and Security Act presents an opportunity to make comprehensive improvements to health privacy protections. Addressing health information privacy through this legislation will ensure the security of patients' information, in any form, electronic or otherwise.

The bill that Senator LEAHY and I are introducing today corrects the longstanding errors in the ways in which confidential patient information is handled and distributed. We live in a time when Americans are increasingly aware of breaches of their privacy. It is essential for us to enact effective reforms to protect all Americans from further infringements on their health privacy.

The system now in place allows much of importance to fall through the cracks. Enforcement has been inadequate. The Office for Civil Rights of the Department of Health and Human Services, which is responsible for the enforcement of HIPAA, has received more than 20,000 complaints, but it has not imposed any civil penalties in response. The Department of Justice has effectively prosecuted only four criminal violations of HIPAA.

A few examples illustrate the problem. In June 2006, the Centers for Medicare and Medicaid reported that the health information of 17,000 Americans whose insurance plans are provided by Humana, Inc. was at risk because of unsecured computer data. Last September, the Government Accountability Office urged Medicare to implement stronger oversight over the transmission of private health records. A GAO survey had found that almost half of all responding Medicare Advantage contractors admitted to recent breaches of privacy of health records. In addition, the number of health plan providers that identified themselves as ''mostly compliant'' with HIPAA's privacy regulations decreased from 91 percent in 2005 to 85 percent in 2006. These findings demonstrate that patients' right to know and authorize who views their medical information is being neglected.

Americans live in a democracy where they believe, rightly, that they themselves should have the power to decide when, and to whom, their health information is disclosed. The bill we are introducing today will better enable Federal privacy rules to fulfill that expectation.

This bill complements and strengthens Federal privacy regulations by adding more effective oversight and individuals' access to their own personal information. It requires the Secretary of the Department of Health and Human Services to revise the HIPAA Privacy Rule to make it consistent with this act.

The bill gives each American the full ability to obtain and modify any of their health records, whether the records are carried by one of the HIPAA Privacy Rule's three ''covered entities'' or by any other entity. Except in rare cases, authorization by an individual is required before any other person or entity can disclose, obtain, or use that individual's protected health information.

The bill also addresses the existing outsourcing problem by improving transparency. Any entity that entrusts outside agents or overseas providers with personal health information must publish their names and ensure that they abide by the required privacy and security measures.

The act requires all entities that deal with protected health information in any way to implement safeguards to protect that information. Such entities must also maintain safeguards that are up-to-date with current technology.

Any entity that possesses or obtains an individual's protected health information is required to give that individual a notice of privacy rights and practices, including the individual's right to be alerted if a security breach concerning the information occurs. Individuals are also promised a clear description of who will have access to their personal health information and how the information will be used. In this way, people will always be aware of what is going on with their private information. They will feel more secure about it, and be more secure.

The bill also establishes a demonstration grant program to help those who have low health literacy or limited english-language proficiency to exercise their privacy rights and avoid cultural or linguistic barriers.

This Act also creates a new office in the Department of Health and Human Services, the Office of Health Information Privacy, which will oversee investigations of alleged violations and verify compliance with the act. This office will also be responsible for establishing and implementing standards and product certifications for systems and networks that handle protected health information. Until now, many entities have been confused about how to implement health privacy regulations. This new office will help them understand Federal privacy rules, so that they can conduct their business accordingly.

Federal privacy regulations now in place also make it difficult to prosecute illegal activities. The Office of Health Information Privacy will be charged with resolving this problem. It will do so in part by instituting penalties for wrongful sharing or use of private health information by any entity.

Overall, a delicate balance must be struck. On one hand, we must allow the sharing of information necessary for effective health care. At the same time, however, we must protect Americans' right to have their health records and individual health information kept private. For too long, the balance has been tilted too far against patient privacy, and our bill is a needed effort to correct that imbalance.

Americans deserve stronger guarantees of patient privacy, more helpful guidelines for security implementation, and more dependable enforcement and penalties for the misuse of protected health information. I look forward to the early enactment of this legislation to achieve these important goals.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 274—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LEWIS V. BAYH

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 274

Whereas, in the case of Lewis v. Bayh, Case No. 07–CV–0939 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named as defendant Senator Evan Bayh;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members, officers, and employees of the Senate in civil actions relating to their official responsibilities; Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Evan Bayh in the case of Lewis v. Bayh.

SENATE RESOLUTION 275—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 275

Resolved, That the following be the minority membership on the Committee on Armed Services for the remainder of the 110th Congress, or until their successors are appointed:

Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, Mr. Martinez, and Mr. Corker.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2314. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table.

SA 2315. Mr. DORGAN 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 2316. 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 2317. 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 2318. 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 2319. 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 2320. Mr. SMITH (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 2321. Mrs. DOLE 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 2322. Mr. KYL (for himself and Mr. DOMENICI) 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 2323. Mr. KERRY (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 2324. Mr. HAGEL (for himself and Mr. BYRD) 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 2325. Mr. BAUCUS (for himself and Mr. TESTER) 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 2326. Mr. CARDIN (for himself, Mr. BIDEN, Mr. STEVENS, Mr. BAYH, Mrs. CLINTON, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. KERRY, Mr. VITTER, Mr. ISAKSON, Mr. LAUTENBERG, and Mr. KENNEDY) 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 2327. Mr. KENNEDY proposed an amendment to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

SA 2328. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table.

SA 2329. Ms. MURKOWSKI proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

SA 2330. Mr. KENNEDY proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, supra.

TEXT OF AMENDMENTS

SA 2314. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) IN GENERAL.—Each eligible institution participating in any program under this title which is among those identified during the prior calendar year by the Secretary pursuant to subsection (b)(2), shall—

''(1) provide evidence to the Secretary that the institution has notified students on its policies and procedures related to the illegal downloading and distribution of copyrighted materials by students as required under section 485(a)(1)(P);

''(2) undertake a review, which shall be submitted to the Secretary, of its procedures and plans related to preventing illegal downloading and distribution to determine the program's effectiveness and implement changes to the program if the changes are needed; and

''(3) provide evidence to the Secretary that the institution has developed a plan for implementing a technology-based deterrent to prevent the illegal downloading or peer-to-peer distribution of intellectual property.

''(b) IDENTIFICATION.—For purposes of carrying out the requirements of subsection (a), the Secretary shall, on an annual basis, identify—

''(1) the 25 institutions of higher education participating in programs under this title, which have received during the previous calendar year the highest number of written notices from copyright owners, or persons authorized to act on behalf of copyright owners, alleging infringement of copyright by users of the institution's information technology systems, where such notices identify with specificity the works alleged to be infringed, or a representative list of works alleged to be infringed, the date and time of the alleged infringing conduct together with information sufficient to identify the infringing user, and information sufficient to contact the copyright owner or its authorized representative; and

''(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of

copyright by users of the institution's information technology systems, as described in paragraph (1).''.

SA 2315. Mr. DORGAN 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 XXVIII, add the following:

SEC. 2854. LAND CONVEYANCE, LEWIS AND CLARK UNITED STATES ARMY RESERVE CENTER, BISMARCK, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the United Tribes Technical College all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2 acres located at the Lewis and Clark United States Army Reserve Center, 3319 University Drive, Bismarck, North Dakota, for the purpose of supporting Native American education and training.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) EXPIRATION.—The reversionary interest under paragraph (1) shall expire upon satisfaction of the following conditions:

(A) The real property conveyed under subsection (a) is used in accordance with the purposes of the conveyance specified in such subsection for a period of not less than 30 years following the date of the conveyance.

(B) The United Tribes Technical College applies to the Secretary for the release of the reversionary interest.

(C) The Secretary certifies, in a manner that can be filed with the appropriate land recordation office, that the condition under subparagraph (A) has been satisfied.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the United Tribes Technical College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the United Tribes Technical College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the United Tribes Technical College.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 2316. 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 subtitle B of title VIII, add the following:

SEC. 827. PROCUREMENT OF UNCONVENTIONAL FUEL.

(a) PROCUREMENT AUTHORIZED.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2922g. Procurement of unconventional fuel

''(a) LONG TERM CONTRACTS FOR UNCONVENTIONAL FUEL.—The Secretary of Defense may enter into contracts for the procurement of unconventional fuel. The term of any contract under this section may be such period as the Secretary considers appropriate, but not more than 25 years.

''(b) WAIVER AUTHORITY.—(1) In procuring unconventional fuel, the Secretary may waive the application of any provision of law prescribing procedures to be followed in the formation of contracts, prescribing terms and conditions to be included in contracts, or regulating the performance of contracts if the Secretary determines that—

''(A) the waiver is necessary to procure such unconventional fuel for Government needs; and

''(B) In case of a contract in excess of 5 years, it would not be possible to procure such unconventional fuel from the source in an economical manner without the use of a contract for a period in excess of five years.

''(2) Any waiver that is applicable to a contract for the procurement of unconventional fuel under this subsection may also, at the election of the Secretary, apply to a subcontract under that contract.

''(c) PRICING AUTHORITY FOR UNCONVENTIONAL FUEL PURCHASED FROM DOMESTIC SOURCES.—(1) The Secretary shall ensure that any purchase of unconventional fuel under a contract under this section is cost effective for the Department of Defense.

''(2) The Secretary may procure unconventional fuel from domestic sources at a price higher than comparable petroleum products, or include a price guarantee for the procurement of unconventional fuel from such sources, if the Secretary determines that—

''(A) such price is necessary to develop or maintain an assured supply of unconventional fuel produced from domestic sources; and

''(B) supplies of unconventional fuel from domestic sources cannot be effectively increased or obtained at lower prices.

''(d) OBLIGATION OF FUNDS.—At the time of award of any contract for the procurement of unconventional fuel under this section in excess of one year, the Secretary may obligate annually funds sufficient to cover the annual costs of the contract. In the event that funds are not available for the continuation of the contract in any subsequent years, the contract shall be cancelled or terminated. The Secretary may fund any cancellation or termination liability out of funds originally available at the time of award, funds currently available at the time termination liability is incurred, or funds specifically appropriated for those payments.

''(e) DEFINITIONS.—In this section:

''(1) The term 'domestic source' means a facility (including feedstock) located physically in the United States that produces or generates unconventional fuel.

''(2) The term 'unconventional fuel' means transportation fuel that is derived from a feedstock other than conventional petroleum and includes transportation services related to the delivery of such fuel.''.

(b) CLERICAL AMENDMENT.—The table of sections for at the beginning of subchapter II of chapter 173 of such title is amended by adding at the end the following new item:

''2922g. Procurement of unconventional fuel.''.

SA 2317. 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 B of title V, add the following:

SEC. 518. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367), the Governor of any State, upon the approval of the Secretary of Defense, may order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b) for the purpose of securing such border; and

(2) to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The following activities are authorized under this subsection:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering

or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a Border Patrol agent or an officer of United States Customs and Border Protection.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may only perform activities in another State under subsection (a) pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, may coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, shall coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—

(1) IN GENERAL.—Nondeadly force may be used by members of the National Guard stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien pursuant to subsection (b)(12).

(2) NONDEADLY FORCE DEFINED.—In this subsection, the term ''nondeadly force'' means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term ''State'' means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN LAND BORDER OF THE UNITED STATES.—The term ''State along the southern land border of the United States'' means each of the following States:

(A) Arizona.

(B) California.

(C) New Mexico.

(D) Texas.

(i) DURATION OF AUTHORITY.—The authority of this section shall expire on the date on which operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367).

SA 2318. 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 B of title V, add the following:

SEC. 518. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367), the Governor of any State, upon the approval of the Secretary of Defense, shall order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b) for the purpose of securing such border; and

(2) to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The following activities are authorized under this subsection:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a Border Patrol agent or an officer of United States Customs and Border Protection.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may only perform activities in another State under subsection (a) pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, shall coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Defense and the governors of the States concerned, shall coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—

(1) IN GENERAL.—Nondeadly force may be used by members of the National Guard stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien pursuant to subsection (b)(12).

(2) NONDEADLY FORCE DEFINED.—In this subsection, the term ''nondeadly force'' means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term ''State'' means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN LAND BORDER OF THE UNITED STATES.—The term ''State along the southern land border of the United States'' means each of the following States:

(A) Arizona.

(B) California.

(C) New Mexico.

(D) Texas.

(i) DURATION OF AUTHORITY.—The authority of this section shall expire on the date on which operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367).

SA 2319. 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 appropriate place, insert the following:

Subtitle __—BORDER SECURITY COOPERATION

SEC. ____. RECRUITMENT OF FORMER MILITARY PERSONNEL.

(a) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to paragraph (1) to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee on the Judiciary of the House of Representatives.

SEC. ____. TECHNOLOGICAL ASSETS.

(a) PROCUREMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Homeland Security shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to

achieve operational control of the international borders of the United States and to establish a security perimeter to be known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this subsection.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary of Homeland Security and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of Defense, shall submit a report to Congress that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. ____. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN UNITED STATES CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in United States Customs and Border Protection (referred to in this section as ''CBP'').

(b) DEFINITIONS.—In this section:

(1) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—The term ''covered members and former members of the Armed Forces'' means—

(A) members of the reserve components of the Armed Forces; and

(B) former members of the Armed Forces who separated from service in the Armed Forces during the previous 2 years.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services of the Senate;

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

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Homeland Security of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required under subsection (a), the Secretary of Homeland Security and the Secretary of Defense shall consider such incentives, whether monetary or otherwise and whether or not authorized under existing law, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of such report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in CBP after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to CBP as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with CBP.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required under subsection (a) shall include—

(1) a description of various monetary and non-monetary incentives considered for purposes of the report;

(2) an assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the CBP after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2); and

(3) any other matters that the Secretaries jointly consider appropriate.

SA 2320. Mr. SMITH (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 C of title III, add the following:

SEC. 325. ESTABLISHMENT OF ADDITIONAL STRYKER BRIGADE COMBAT TEAM.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is hereby increased by $317,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard, as increased by subsection (a), $317,000,000 may be available for the establishment of a Stryker Brigade Combat Team composed of elements of the California National Guard, the Nevada National Guard, and the Oregon National Guard.

SA 2321. Mrs. DOLE 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. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they were exposed to drinking water contaminated with tetrachloroethylene (PCE) at levels well above the maximum safety level established by the Environmental Protection Administration.

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than 120 days after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they were exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR studies of the Tarawa Terrace and Hadnot Point water distribution systems of the drinking water contamination to which they were exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress finds that notification and survey efforts related to the drinking water contamination described in this section are necessary due to the duration of exposure and negative health impacts of these contaminants.

(2) NATIONAL OPINION AND RESEARCH COUNCIL HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the National Opinion and Research Council, in conjunction with ATSDR, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may be associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to, but

not substitution for, direct notification of individuals described under subsections (a), (b), and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for fiscal year 2008 to carry out this section.

SA 2322. Mr. KYL (for himself and Mr. DOMENICI) 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) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $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.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available in this Act for Operation Jump Start.

SA 2323. Mr. KERRY (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 end, add the following:

DIVISION D—VETERAN SMALL BUSINESSES

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007''.

SEC. 4002. DEFINITIONS.

In this division—

(1) the term ''activated'' means receiving an order placing a Reservist on active duty;

(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms ''service-disabled veteran'' and ''small business concern'' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 4102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

''(d) INTERAGENCY TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

''(2) MEMBERSHIP.—The members of the task force shall include—

''(A) the Administrator, who shall serve as chairperson of the task force;

''(B) a representative from—

''(i) the Department of Veterans Affairs;

''(ii) the Department of Defense;

''(iii) the Administration (in addition to the Administrator);

''(iv) the Department of Labor;

''(v) the General Services Administration; and

''(vi) the Office of Management and Budget; and

''(C) 4 representatives of veterans service organizations, selected by the President.

''(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

''(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

''(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through increased use of contract reservations, expanded mentor-protégé assistance, and matching such small business concerns with contracting opportunities;

''(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

''(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

''(E) making other improvements relating to the support for veterans business development by the Federal Government.

''(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

''(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

''(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.''.

SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 4201. SHORT TITLE.

This title may be cited as the ''National Reservist Enterprise Transition and Sustainability Act of 2007''.

SEC. 4202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting ''any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing

enterprise transition and sustainability assistance to Reservists under section 37,'' after ''any women's business center operating pursuant to section 29,''.

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

''SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

''(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

''(b) DEFINITIONS.—In this section—

''(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

''(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

''(3) the term 'Association' means the association established under section 21(a)(3)(A);

''(4) the term 'eligible applicant' means—

''(A) a small business development center that is accredited under section 21(k);

''(B) a women's business center;

''(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

''(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

''(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

''(6) the term 'Reservist' means any person who is—

''(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

''(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

''(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

''(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

''(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

''(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

''(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

''(2) providing access to information and resources, including Federal and State business assistance programs;

''(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

''(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

''(5) assisting in developing a long-term plan for possible future activation; and

''(6) providing enterprise transition and sustainability assistance.

''(d) RULEMAKING.—

''(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

''(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

''(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

''(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

''(B) priorities for the types of assistance to be provided under the program authorized by this section;

''(C) standards relating to educational, technical, and support services to be provided by a grantee;

''(D) standards relating to any national service delivery and support function to be provided by a grantee;

''(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

''(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

''(e) APPLICATION.—

''(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

''(A) the activities for which the applicant seeks assistance under this section; and

''(B) how the applicant plans to allocate funds within its network.

''(3) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4), requiring matching funds, shall not apply to grants awarded under this section.

''(f) AWARD OF GRANTS.—

''(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

''(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount—

''(A) not less than $75,000 per fiscal year; and

''(B) not greater than $300,000 per fiscal year.

''(g) REPORT.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

''(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

''(i) the Administrator;

''(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

''(iii) the Committee on Small Business of the House of Representatives.

''(2) CONTENTS.—The report under paragraph (1) shall—

''(A) address the results of the evaluation conducted under paragraph (1); and

''(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

''(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

''(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program authorized by this section only with amounts appropriated in advance specifically to carry out this section.''.

TITLE XLIII—RESERVIST PROGRAMS

SEC. 4301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking ''90 days'' and inserting ''1 year''.

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and

every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 4302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking ''$1,500,000'' each place such term appears and inserting ''$2,000,000''.

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

''(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

''(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

''(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

''(II) the period during which the relevant essential employee is on active duty.''.

SEC. 4304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

''(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.''.

SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

''(5) RELIEF FROM TIME LIMITATIONS.—

''(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

''(i) is owned and controlled by—

''(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

''(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

''(ii) was subject to the time limitation during such period of active duty.

''(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.''.

SEC. 4306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SA 2324. Mr. HAGEL (for himself and Mr. BYRD) 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. SYNTHETIC FUEL TECHNOLOGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Synthetic fuel technologies are mature, known technologies that are used around the world.

(2) With sizable coal reserves, the United States is ideally suited for the use of synthetic fuel technologies to produce alternatives for petroleum products.

(3) It is in the best interest of the national security of the United States to develop and commercialize a synthetic fuels industry.

(b) DEPARTMENT OF DEFENSE REQUIREMENTS FOR UTILIZATION OF SYNTHETIC FUEL.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2263. Fuel: minimum requirements for utilization of synthetic fuel

''(a) IN GENERAL.—Of the total amount of fuel utilized by the Department of Defense in a calendar year, the percentage of such fuel that is synthetic fuel shall be the percentage as follows:

''(1) In the first applicable utilization year, 5 percent.

''(2) Except as provided in subsection (c), in any year after the first applicable utilization year, a percentage that is 5 greater than the percentage of utilization in the preceding year under this section.

''(b) FIRST APPLICABLE UTILIZATION YEAR.—For purposes of subsection (a)(1), the first applicable utilization year for synthetic fuel shall be the earlier of the following:

''(1) The first calendar year after the Secretary Defense certifies to Congress that at least 50 percent of the aircraft fleet of the Department has the proven capability to utilize synthetic fuel without—

''(A) any adverse effect on the aircraft engines of such fleet;

''(B) any adverse effect on the overall performance of the aircraft; and

''(C) any adverse effect on health and safety of the aircrew, passengers, and maintenance crew.

''(2) 2017.

''(c) EXCEPTION.—If as of December 31 of any year in which subsection (a) is in effect the average price of crude petroleum (as determined by the Secretary of Energy in 2007 constant dollars) is less then $40 per barrel, paragraph (2) of that subsection shall not be operative in the succeeding year.

''(d) MAXIMUM PERCENTAGE.—(1) The maximum percentage of the fuel utilized by the Department that is required by this section to be synthetic fuel is 50 percent.

''(2) Nothing in paragraph (1) shall be construed to limit the percentage of fuel utilized by the Department that is synthetic fuel.

''(e) SYNTHETIC FUEL DEFINED.—In this section, the term 'synthetic fuel' means the following:

''(1) A fuel made using the Fischer-Tropche process.

''(2)(A) Subject to subparagraph (B), a fuel made using any of the following feedstocks:

''(i) Coal.

''(ii) Natural gas.

''(iii) Petcoke.

''(iv) Biomass.

''(B) A fuel made using a feedstock referred to in clauses (ii) through (iv) is a synthetic

fuel only if the British thermal unit (Btu)content per gallon of the fuel so made is equal to or greater than the British thermal unit content per gallon of synthetic fuel made using coal as a feedstock.

''(3) Any other fuel jointly specified by the Secretary of Defense and the Secretary of Energy for purposes of this section but only if the British thermal unit content per gallon of the fuel so specified is equal to or greater than the British thermal unit content per gallon of synthetic fuel made using coal as a feedstock in a Fischer-Tropche process.''.

(2) CLERICAL AMENDMENT.—The table of section at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

''2263. Fuel: minimum requirements for utilization of synthetic fuel.''.

(c) COMMERCIAL AIRCRAFT STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Energy and the Administrator of the Federal Aviation Administration, conduct a study on aircraft engines and airframes for non-fighter aircraft, including commercial aircraft, to determine the quantity of fuel produced using synthetic fuel technology that may be used without compromising health, safety, or longevity of such engines and airframes, including an analysis of any environmental benefits from using the fuel.

(2) REPORT.—Not later than 180 days after the date of the completion of the study under paragraph (1), the Secretary of Defense shall submit to Congress a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretary of Defense.

(d) SYNTHETIC FUEL DEFINED.—In this section, the term ''synthetic fuel'' has the meaning given that term in section 2263(e) of title 10, United States Code (as added by subsection (b)).

SA 2325. Mr. BAUCUS (for himself and Mr. TESTER) 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. LIMITATIONS ON REMOVAL OF MISSILES FROM THE 564TH MISSILE SQUADRON.

Not more than 40 missiles may be removed from the 564th Missile Squadron until the later of the following dates:

(1) The date of the submittal to Congress of a report by the Department of Defense that identifies additional missions (including additional missions for any of the Armed Forces) that could be located at Malmstrom Air Force Base, Montana.

(2) December 31, 2008.

SA 2326. Mr. CARDIN (for himself, Mr. BIDEN, Mr. STEVENS, Mr. BAYH, Mrs. CLINTON, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. KERRY, Mr. VITTER, Mr. ISAKSON, Mr. LAUTENBERG, and Mr. KENNEDY) 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. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

''CHAPTER 1201—[RESERVED]'';

and

(2) by inserting after chapter 1103 the following new chapter:

''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

''Sec.

''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Tax-exempt status required as condition of charter.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.
''120112. Definition.

''§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

''§ 120102. Purposes

''The purposes of the corporation are those provided in the articles of incorporation of the corporation and shall include the following:

''(1) To organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

''(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

''(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to the United States during the time of war and peace.

''(4) To honor the memory of the men and women who gave their lives so that the United States and the world might be free and live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

''(5) To preserve for the people of the United States and posterity of such people the great and basic truths and enduring principles upon which the United States was founded.

''§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

''§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

''§ 120105. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any activity of the corporation.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''§ 120107. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

''§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

''(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

''§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

''§ 120110. Liability for acts of officers and agents

''The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

''§ 120111. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year.

The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 120112. Definition

''For purposes of this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

"1201. Korean War Veterans Association, Incorporated ..... 120101".

SA 2327. Mr. KENNEDY proposed an amendment to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Higher Education Access Act of 2007''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

TITLE I—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. TUITION SENSITIVITY.

(a) AMENDMENT.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by striking paragraph (3).

(b) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out the amendment made by subsection (a), $5,000,000 for fiscal year 2008.

SEC. 102. PROMISE GRANTS.

(a) AMENDMENT.—Subpart 1 of part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

"SEC. 401B. PROMISE GRANTS.

''(a) GRANTS.—

''(1) IN GENERAL.—From amounts appropriated under subsection (e) for a fiscal year and subject to subsection (b), the Secretary shall award grants to students in the same manner as the Secretary awards Federal Pell Grants to students under section 401, except that—

''(A) at the beginning of each award year, the Secretary shall establish a maximum and minimum award level based on amounts made available under subsection (e);

''(B) the Secretary shall only award grants under this section to students eligible for a Federal Pell Grant for the award year; and

''(C) when determining eligibility for the awards under this section, the Secretary shall consider only those students who submitted a Free Application for Federal Student Aid or other common reporting form under section 483 as of July 1 of the award year for which the determination is made.

''(2) STUDENTS WITH THE GREATEST NEED.—The Secretary shall ensure grants are awarded under this section to students with the greatest need as determined in accordance with section 471.

''(b) COST OF ATTENDANCE LIMITATION.—A grant awarded under this section for an award year shall be awarded in an amount that does not exceed—

''(1) the student's cost of attendance for the award year; less

''(2) an amount equal to the sum of—

''(A) the expected family contribution for the student for the award year; and

''(B) any Federal Pell Grant award received by the student for the award year.

''(c) SUPPLEMENT NOT SUPPLANT.—Grants awarded from funds made available under subsection (e) shall be used to supplement, and not supplant, other Federal, State, or institutional grant funds.

''(d) USE OF EXCESS FUNDS.—

''(1) FIFTEEN PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by 15 percent or less, then all of the excess funds shall remain available for making grant payments under this section during the next succeeding fiscal year.

''(2) MORE THAN FIFTEEN PERCENT.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by more than 15 percent, then all of such funds shall remain available for making such grant payments but grant payments may be made under this paragraph only with respect to awards for that fiscal year.

''(e) AUTHORIZATION AND APPROPRIATION OF FUNDS.—

''(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out this section—

''(A) $2,620,000,000 for fiscal year 2008;

''(B) $3,040,000,000 for fiscal year 2009;

''(C) $3,460,000,000 for fiscal year 2010;

''(D) $3,900,000,000 for fiscal year 2011;

''(E) $4,020,000,000 for fiscal year 2012;

''(F) $10,000,000 for fiscal year 2013; and

''(G) $3,200,000,000 for each of the fiscal years 2014 through 2017.

''(2) AVAILABILITY OF FUNDS.—Funds appropriated under paragraph (1) for a fiscal year shall remain available through the last day of the fiscal year immediately succeeding the fiscal year for which the funds are appropriated.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

TITLE II—STUDENT LOAN BENEFITS, TERMS, AND CONDITIONS

SEC. 201. DEFERMENTS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking ''3 years'' and inserting ''6 years''.

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking ''3 years'' and inserting ''6 years''.

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking ''3 years'' and inserting ''6 years''.

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking ''3 years'' and inserting ''6 years''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to the loans made to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 202. STUDENT LOAN DEFERMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M)(iii) (20 U.S.C. 1078(b)(1)(M)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking ''not in excess of 3 years'';

(2) in subclause (II), by striking ''; or'' and inserting a comma; and

(3) by adding at the end the following: ''and for the 180-day period following the demobilization date for the service described in subclause (I) or (II); or''.

(b) DIRECT LOANS.—Section 455(f)(2)(C) (20 U.S.C. 1087e(f)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking ''not in excess of 3 years'';

(2) in clause (ii), by striking ''; or'' and inserting a comma; and

(3) by adding at the end the following: ''and for the 180-day period following the demobilization date for the service described in clause (i) or (ii); or''.

(c) PERKINS LOANS.—Section 464(c)(2)(A)(iii) (20 U.S.C. 1087dd(c)(2)(A)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking ''not in excess of 3 years'';

(2) in subclause (II), by striking the semicolon and inserting a comma; and

(3) by adding at the end the following: ''and for the 180-day period following the demobilization date for the service described in subclause (I) or (II);''.

(d) APPLICABILITY.—Section 8007(f) of the Higher Education Reconciliation Act of 2005 (20 U.S.C. 1078 note) is amended by striking ''loans for which'' and all that follows through the period at the end and inserting ''all loans under title IV of the Higher Education Act of 1965.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 203. INCOME-BASED REPAYMENT PLANS.

(a) FFEL.—Section 428 (as amended by sections 201(b) and 202(a)) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''income contingent'' and inserting ''income-based''; and

(ii) in subparagraph (E)(i), by striking ''income-sensitive'' and inserting ''income-based''; and

(B) by striking clause (iii) of paragraph (9)(A) and inserting the following:

''(iii) an income-based repayment plan, with parallel terms, conditions, and benefits as the income-based repayment plan described in subsections (e) and (d)(1)(D) of section 455, except that—

''(I) the plan described in this clause shall not be available to a borrower of an excepted PLUS loan (as defined in section 455(e)(10)) or of a loan made under 428C that includes an excepted PLUS loan;

''(II) in lieu of the process of obtaining Federal income tax returns and information from the Internal Revenue Service, as described in section 455(e)(1), the borrower shall provide the lender with a copy of the Federal income tax return and return information for the borrower (and, if applicable, the borrower's spouse) for the purposes described in section 455(e)(1), and the lender shall determine the repayment obligation on the loan, in accordance with the procedures developed by the Secretary;

''(III) in lieu of the requirements of section 455(e)(3), in the case of a borrower who chooses to repay a loan made, insured, or guaranteed under this part pursuant to income-based repayment and for whom the adjusted gross income is unavailable or does not reasonably reflect the borrower's current income, the borrower shall provide the lender with other documentation of income that the Secretary has determined is satisfactory for similar borrowers of loans made under part D;

''(IV) the Secretary shall pay any interest due and not paid for under the repayment schedule described in section 455(e)(4) for a loan made, insured, or guaranteed under this part in the same manner as the Secretary pays any such interest under section 455(e)(6) for a Federal Direct Stafford Loan;

''(V) the Secretary shall assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under this part (other than an excepted PLUS Loan or a loan under section 428C that includes an excepted PLUS loan), for a borrower who satisfies the requirements of subparagraphs (A) and (B) of section 455(e)(7), in the same manner as the Secretary cancels such outstanding balance under section 455(e)(7); and

''(VI) in lieu of the notification requirements under section 455(e)(8), the lender shall notify a borrower of a loan made, insured, or guaranteed under this part who chooses to repay such loan pursuant to income-based repayment of the terms and conditions of such plan, in accordance with the procedures established by the Secretary, including notification that—

''(aa) the borrower shall be responsible for providing the lender with the information necessary for documentation of the borrower's income, including income information for the borrower's spouse (as applicable); and

''(bb) if the borrower considers that special circumstances warrant an adjustment, as described in section 455(e)(8)(B), the borrower may contact the lender, and the lender shall determine whether such adjustment is appropriate, in accordance with the criteria established by the Secretary; and'';

(2) in subsection (e)—

(A) in the subsection heading, by striking ''INCOME-SENSITIVE'' and inserting ''INCOME-BASED'';

(B) in paragraph (1)—

(i) by striking ''income-sensitive repayment'' and inserting ''income-based repayment''; and

(ii) by inserting ''and for the public service loan forgiveness program under section 455(m), in accordance with section 428C(b)(5)'' before the semicolon; and

(C) in paragraphs (2) and (3), by striking ''income-sensitive'' each place the term occurs and inserting ''income-based''; and

(3) in subsection (m)—

(A) in the subsection heading, by striking ''INCOME CONTINGENT'' and inserting ''INCOME-BASED'';

(B) in paragraph (1), by striking ''income contingent repayment plan'' and all that follows through the period at the end and inserting ''income-based repayment plan as described in subsection (b)(9)(A)(iii) and section 455(d)(1)(D).''; and

(C) in the paragraph heading of paragraph (2), by striking ''INCOME CONTINGENT'' and inserting ''INCOME-BASED''.

(b) CONSOLIDATION LOANS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(3)(B)(i)(V), by striking ''for the purposes of obtaining an income contingent repayment plan,'' and inserting ''for the purpose of using the public service loan forgiveness program under section 455(m),'';

(2) in subsection (b)(5)—

(A) in the first sentence, by striking '', or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender,'' and inserting '', or chooses to obtain a consolidation loan for the purposes of using the public service loan forgiveness program offered under section 455(m),''; and

(B) in the second sentence, by striking ''income contingent repayment under part D of this title'' and inserting ''income-based repayment''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) in the first sentence, by striking ''of graduated or income-sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary.'' and inserting ''of graduated repayment schedules, established by the lender in accordance with the regulations of the Secretary, and income-based repayment schedules, established pursuant to regulations by the Secretary.''; and

(ii) in the second sentence, by striking ''Except as required'' and all that follows through ''subsection (b)(5),'' and inserting ''Except as required by such income-based repayment schedules,''; and

(B) in paragraph (3)(B), by striking ''income contingent repayment offered by the Secretary under subsection (b)(5)'' and inserting ''income-based repayment''.

(c) DIRECT LOANS.—Section 455 (as amended by sections 201(c) and 202(b)) (20 U.S.C. 1087e) is further amended—

(1) in subsection (d)—

(A) in paragraph (1)(D)—

(i) by striking ''income contingent repayment plan'' and inserting ''income-based repayment plan''; and

(ii) by striking ''a Federal Direct PLUS loan'' and inserting ''an excepted PLUS loan or any Federal Direct Consolidation Loan that includes an excepted PLUS loan (as defined in subsection (e)(10))''; and

(B) in paragraph (5)(B), by striking ''income contingent'' and inserting ''income-based''; and

(2) in subsection (e)—

(A) in the subsection heading, by striking ''INCOME CONTINGENT'' and inserting ''INCOME-BASED'';

(B) in paragraphs (1), (2), and (3), by striking ''income contingent'' each place the term appears and inserting ''income-based'';

(C) in paragraph (4)—

(i) by striking ''Income contingent'' and inserting ''Income-based''; and

(ii) by striking ''Secretary.'' and inserting ''Secretary, except that the monthly required payment under such schedule shall not exceed 15 percent of the result obtained by calculating the amount by which—

''(A) the borrower's adjusted gross income; exceeds

''(B) 150 percent of the poverty line applicable to the borrower's family size, as determined under section 673(2) of the Community Service Block Grant Act,
divided by 12.'';

(D) in paragraph (5), by striking ''income contingent'' and inserting ''income-based'';

(E) by redesignating paragraph (6) as paragraph (8);

(F) by inserting after paragraph (5) the following:

''(6) TREATMENT OF INTEREST.—In the case of a Federal Direct Stafford Loan, any interest due and not paid for under paragraph (2) shall be paid by the Secretary.

''(7) LOAN FORGIVENESS.—The Secretary shall cancel the obligation to repay an outstanding balance of principal and interest due on all loans made under this part, or assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under part B, (other than an excepted PLUS Loan, or any Federal Direct Consolidation Loan or loan under section 428C that includes an excepted PLUS loan) to a borrower who—

''(A) makes the election under this subsection or under section 428(b)(9)(A)(iii); and

''(B) for a period of time prescribed by the Secretary not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 of the following requirements with respect to each payment made during such period:

''(i) Has made the payment under this subsection or section 428(b)(9)(A)(iii).

''(ii) Has made the payment under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

''(iii) Has made a payment that counted toward the maximum repayment period under income-sensitive repayment under section 428(b)(9)(A)(iii) or income contingent repayment under section 455(d)(1)(D), as each such section was in effect on June 30, 2008.

''(iv) Has made a reduced payment of not less than the amount required under subsection (e), pursuant to a forbearance agreement under section 428(c)(3)(A)(i) for a borrower described in 428(c)(3)(A)(i)(II).'';

(G) in the matter preceding subparagraph (A) of paragraph (8) (as redesignated by subparagraph (E)), by striking ''income contingent'' and inserting ''income-based''; and

(H) by adding at the end the following:

''(9) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income-based repayment may choose, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.

''(10) DEFINITION OF EXCEPTED PLUS LOAN.—In this subsection, the term 'excepted PLUS loan' means a Federal Direct PLUS loan or a loan under section 428B that is made, insured, or guaranteed on behalf of a dependent student.''.

(d) CONFORMING AMENDMENTS AND TECHNICAL CORRECTIONS.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) in section 427(a)(2)(H) (20 U.S.C. 1077(a)(2)(H))—

(A) by striking ''or income-sensitive''; and

(B) by inserting ''or income-based repayment schedule established pursuant to regulations by the Secretary'' before the semicolon at the end; and

(2) in section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)), by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)''.

(e) TRANSITION PROVISION.—A student who, as of June 30, 2008, elects to repay a loan under part B or part D of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.) through an income-sensitive repayment plan under section 428(b)(9)(A)(iii) of such Act (20 U.S.C. 1078(b)(9)(A)(iii)) or an income contingent repayment plan under section 455(d)(1)(D) of such Act (20 U.S.C. 1087e(d)(1)(D)) (as each such section was in effect on the day before the date of enactment of this Act) shall have the option to continue repayment under such section (as such section was in effect on such day), or may elect, beginning on July 1, 2008, to use the income-based repayment plan under section 428(b)(9)(A)(iii) or 455(d)(1)(D) (as applicable) of the Higher Education Act of 1965, as amended by this section.

(f) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

TITLE III—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 301. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended—

(1) in the matter preceding clause (i), by striking ''insures 98 percent'' and inserting ''insures 97 percent'';

(2) in clause (i), by inserting ''and'' after the semicolon;

(3) by striking clause (ii); and

(4) by redesignating clause (iii) as clause (ii).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 302. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

''(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

''(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent'; and

''(II) beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '24 percent'.''.

SEC. 303. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007, except that section 428I of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of this Act) shall apply to eligible lenders that received a designation under subsection (a) of such section prior to October 1, 2007, for the remainder of the year for which the designation was made.

SEC. 304. DEFINITIONS.

(a) AMENDMENTS.—Section 435 (20 U.S.C. 1085) is amended—

(1) in subsection (o)(1)—

(A) in subparagraph (A)(ii), by striking ''100 percent of the poverty line for a family of 2'' and inserting ''150 percent of the poverty line applicable to the borrower's family size''; and

(B) in subparagraph (B)(ii), by striking ''to a family of two'' and inserting ''to the borrower's family size''; and

(2) by adding at the end the following:

''(p) ELIGIBLE NOT-FOR-PROFIT HOLDER.—

''(1) DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.—The term 'eligible not-for-profit holder' means an eligible lender under subsection (d) (except for an eligible lender described in subsection (d)(1)(E)) that requests a special allowance payment under section 438(b)(2)(I)(vi)(II) and that is—

''(A) a State of the United States, or a political subdivision thereof, or an authority, agency, or other instrumentality thereof (including such entities that are eligible to issue bonds described in section 1.103–1 of title 26, Code of Federal Regulations, or section 144(b) of the Internal Revenue Code of 1986);

''(B) an entity described in section 150(d)(2) of such Code that has not made the election described in section 150(d)(3) of such Code;

''(C) an entity described in section 501(c)(3) of such Code; or

''(D) a trustee acting as an eligible lender on behalf of an entity described in subparagraph (A), (B), or (C),

except that no entity described in subparagraph (A), (B), or (C) shall be owned or controlled in whole or in part by a for-profit entity.

''(2) PROHIBITION.—In the case of a loan for which the special allowance payment is calculated under section 438(b)(2)(I)(vi)(II) and that is sold by the eligible not-for-profit holder holding the loan to a for-profit entity or to an entity that is not an eligible not-for-profit holder, the special allowance payment for such loan shall, beginning on the date of the sale, no longer be calculated under section 438(b)(2)(I)(vi)(II) and shall be calculated under section 438(b)(2)(I)(vi)(I) instead.

''(3) REGULATIONS.—Not later than 1 year after the date of enactment of the Higher Education Access Act of 2007, the Secretary shall promulgate regulations in accordance with the provisions of this subsection.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall only apply with respect to any borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 305. SPECIAL ALLOWANCES.

(a) REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.—Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking ''(iii), and (iv)'' and inserting ''(iii), (iv), and (vi)''; and

(2) by adding at the end the following:

''(vi) REDUCTION FOR LOANS DISBURSED ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l) and for which the first disbursement of principal is made on or after October 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

''(I) for loans held by an eligible lender not described in subclause (II)—

''(aa) by substituting '1.24 percent' for '1.74 percent' in clause (ii);

''(bb) by substituting '1.84 percent' for '2.34 percent' each place the term appears in this subparagraph;

''(cc) by substituting '1.84 percent' for '2.64 percent' in clause (iii); and

''(dd) by substituting '2.14 percent' for '2.64 percent' in clause (iv); and

''(II) for loans held by an eligible not-for-profit holder—

''(aa) by substituting '1.99 percent' for '2.34 percent' each place the term appears in this subparagraph;

''(bb) by substituting '1.39 percent' for '1.74 percent' in clause (ii);

''(cc) by substituting '1.99 percent' for '2.64 percent' in clause (iii); and

''(dd) by substituting '2.29 percent' for '2.64 percent' in clause (iv).''.

(b) INCREASED LOAN FEES FROM LENDERS.—Paragraph (2) of section 438(d) (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

''(2) AMOUNT OF LOAN FEES.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007.''.

TITLE IV—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

SEC. 401. LOAN FORGIVENESS FOR PUBLIC SERVICE EMPLOYEES.

Section 455 (as amended by sections 201(c), 202(b), and 203(c)) (20 U.S.C. 1087e) is further amended by adding at the end the following:

''(m) REPAYMENT PLAN FOR PUBLIC SERVICE EMPLOYEES.—

''(1) IN GENERAL.—The Secretary shall cancel the balance of interest and principal due, in accordance with paragraph (2), on any eligible Federal Direct Loan not in default for an eligible borrower who—

''(A) has made 120 monthly payments on the Federal Direct Loan after October 1, 2007, pursuant to any combination of—

''(i) payments under an income-based repayment plan under section 455(d)(1)(D);

''(ii) payments under a standard repayment plan under section 455(d)(1)(A); or

''(iii) monthly payments under a repayment plan under section 455(d)(1) of not less than the monthly amount calculated under section 455(d)(1)(A); and

''(B)(i) is employed in a public service job at the time of such forgiveness; and

''(ii) has been employed in a public service job during the period in which the borrower makes each of the 120 payments described in subparagraph (A).

''(2) LOAN CANCELLATION AMOUNT.—After the conclusion of the employment period described in paragraph (1), the Secretary shall cancel the obligation to repay, for each year during such period described in paragraph (1)(B)(ii) for which the eligible borrower submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings were less than or equal to $65,000, 1/10 of the amount of the balance of principal and interest due as of the time of such cancellation, on the eligible Federal Direct Loans made to the borrower under this part.

''(3) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE BORROWER.—The term 'eligible borrower' means a borrower who submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings is less than or equal to $65,000.

''(B) ELIGIBLE FEDERAL DIRECT LOAN.—The term 'eligible Federal Direct Loan' means a Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Loan, or a Federal Direct Consolidation Loan if such consolidation loan was obtained by the borrower under section 428C(b)(5) or in accordance with section 428C(a)(3)(B)(i)(V).

''(C) PUBLIC SERVICE JOB.—In this paragraph, the term 'public service job' means—

''(i) a full-time job in public emergency management, government, public safety, public law enforcement, public health, public education, public early childhood education, public child care, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services (including prosecution or public defense), public library sciences, public school library sciences, or other public school-based services; or

''(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b).''.

SEC. 402. UNIT COST CALCULATION FOR GUARANTY AGENCY ACCOUNT MAINTENANCE FEES.

Section 458(b) (20 U.S.C. 1087h(b)) is amended—

(1) by striking ''Account'' and inserting the following:

''(1) FOR FISCAL YEARS 2006 AND 2007.—For each of the fiscal years 2006 and 2007, account''; and

(2) by adding at the end the following:

''(2) FOR FISCAL YEAR 2008 AND SUCCEEDING FISCAL YEARS.—

''(A) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary shall calculate the account maintenance fees payable to guaranty agencies under subsection (a)(3), on a per-loan cost basis in accordance with subparagraph (B).

''(B) AMOUNT DETERMINATION.—To determine the amount that shall be paid under subsection (a)(3) per outstanding loan guaranteed by a guaranty agency for fiscal year 2008 and succeeding fiscal years, the Secretary shall—

''(i) establish the per-loan cost basis amount by dividing the total amount of account maintenance fees paid under subsection (a)(3) for fiscal year 2006 by the number of loans under part B that were outstanding for that fiscal year; and

''(ii) for subsequent fiscal years, adjust the amount determined under clause (i) as the Secretary determines necessary to account for inflation.''.

TITLE V—FEDERAL PERKINS LOANS

SEC. 501. DISTRIBUTION OF LATE COLLECTIONS.

Section 466(b) (20 U.S.C. 1087ff(b)) is amended by striking ''March 31, 2012'' and inserting ''September 30, 2012''.

TITLE VI—NEED ANALYSIS

SEC. 601. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Subparagraph (D) of section 475(g)(2) (20 U.S.C. 1087oo(g)(2)(D)) is amended to read as follows:

''(D) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478):

''(i) for academic year 2009–2010, $3,750;

''(ii) for academic year 2010–2011, $4,500;

''(iii) for academic year 2011–2012, $5,250; and

''(iv) for academic year 2012–2013, $6,000;''.

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Clause (iv) of section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

''(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478):

''(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2)—

''(aa) for academic year 2009–2010, $7,000;

''(bb) for academic year 2010–2011, $7,780;

''(cc) for academic year 2011–2012, $8,550; and

''(dd) for academic year 2012–2013, $9,330; and

''(II) for married students where 1 is enrolled pursuant to subsection (a)(2)—

''(aa) for academic year 2009–2010, $11,220;

''(bb) for academic year 2010–2011, $12,460;

''(cc) for academic year 2011–2012, $13,710; and

''(dd) for academic year 2012–2013, $14,960;''.

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Paragraph (4) of section 477(b) (20 U.S.C. 1087qq(b)(4)) is amended to read as follows:

''(4) INCOME PROTECTION ALLOWANCE.—The income protection allowance is determined by the tables described in subparagraphs (A) through (D) (or a successor table prescribed by the Secretary under section 478).

''(A) ACADEMIC YEAR 2009–2010.—For academic year 2009–2010, the income protection allowance is determined by the following table:

''Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$17,720	$14,690			
3	22,060	19,050	$16,020		
4	27,250	24,220	21,210	$18,170	
5	32,150	29,120	26,100	23,070	$20,060
6	37,600	34,570	31,570	28,520	25,520

NOTE: For each additional family member, add $4,240. For each additional college student, subtract $3,020.

''(B) ACADEMIC YEAR 2010–2011.—For academic year 2010–2011, the income protection allowance is determined by the following table:

''Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$19,690	$16,330			
3	24,510	21,160	$17,800		
4	30,280	26,910	23,560	$20,190	
5	35,730	32,350	29,000	25,640	$22,290
6	41,780	38,410	35,080	31,690	28,350

NOTE: For each additional family member, add $4,710. For each additional college student, subtract $3,350.

''(C) ACADEMIC YEAR 2011–2012.—For academic year 2011–2012, the income protection allowance is determined by the following table:

''Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$21,660	$17,960			
3	26,960	23,280	$19,580		
4	33,300	29,600	25,920	$22,210	
5	39,300	35,590	31,900	28,200	$24,520
6	45,950	42,250	38,580	34,860	31,190

NOTE: For each additional family member, add $5,180. For each additional college student, subtract $3,690.

''(D) ACADEMIC YEAR 2012–2013.—For academic year 2012–2013, the income protection allowance is determined by the following table:

''Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$23,630	$19,590			
3	29,420	25,400	$21,360		
4	36,330	32,300	28,280	$24,230	
5	42,870	38,820	34,800	30,770	$26,750
6	50,130	46,100	42,090	38,030	34,020

NOTE: For each additional family member, add $5,660. For each additional college student, subtract $4,020.''.

(d) UPDATED TABLES AND AMOUNTS.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) REVISED TABLES.—

''(A) IN GENERAL.—For each academic year after academic year 2008–2009, the Secretary shall publish in the Federal Register a revised table of income protection allowances for the purpose of such sections, subject to subparagraphs (B) and (C).

''(B) TABLE FOR INDEPENDENT STUDENTS.—

''(i) ACADEMIC YEARS 2009–2010 THROUGH 2012–2013.—For each of the academic years 2009–2010 through 2012–2013, the Secretary shall not develop a revised table of income protection allowances under section 477(b)(4) and

the table specified for such academic year under subparagraphs (A) through (D) of such section shall apply.

''(ii) OTHER ACADEMIC YEARS.—For each academic year after academic year 2012–2013, the Secretary shall develop the revised table of income protection allowances by increasing each of the dollar amounts contained in the table of income protection allowances under section 477(b)(4)(D) by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.

''(C) TABLE FOR PARENTS.—For each academic year after academic year 2008–2009, the Secretary shall develop the revised table of income protection allowances under section 475(c)(4) by increasing each of the dollar amounts contained in the table by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1992 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.''; and

(2) in paragraph (2), by striking ''shall be developed'' and all that follows through the period at the end and inserting ''shall be developed for each academic year after academic year 2012–2013, by increasing each of the dollar amounts contained in such section for academic year 2012–2013 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 602. AUTOMATIC ZERO IMPROVEMENTS.

(a) IN GENERAL.—Section 479(c) (20 U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking ''20,000'' and inserting ''$30,000''; and

(2) in paragraph (2)(B), by striking ''$20,000'' and inserting ''$30,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 603. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

The third sentence of section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by inserting ''or an independent student'' after ''family member''; and

(2) by inserting ''a change in housing status that results in homelessness (as defined in section 103 of the McKinney-Vento Homeless Assistance Act),'' after ''under section 487,''.

SEC. 604. DEFINITIONS.

(a) IN GENERAL.—Section 480 (20 U.S.C. 1087vv) is amended—

(1) in subsection (a)(2)—

(A) by striking ''and no portion'' and inserting ''no portion''; and

(B) by inserting ''and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax,'' after ''1986,'';

(2) in subsection (d)—

(A) by redesignating paragraphs (1), (2), (3) through (6), and (7) as subparagraphs (A), (B), (D) through (G), and (I), respectively, and indenting appropriately;

(B) by striking ''INDEPENDENT STUDENT.—The term'' and inserting ''INDEPENDENT STUDENT.—

''(1) DEFINITION.—The term'';

(C) by striking subparagraph (B) (as redesignated by subparagraph (A)) and inserting the following:

''(B) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;

''(C) is an emancipated minor or is in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;'';

(D) in subparagraph (G) (as redesignated by subparagraph (A)), by striking ''or'' after the semicolon;

(E) by inserting after subparagraph (G) (as redesignated by subparagraph (A)) the following:

''(H) has been verified as an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) during the school year in which the application is submitted, by—

''(i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

''(ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; or

''(iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or''; and

(F) by adding at the end the following:

''(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—A financial aid administrator may make a determination of independence under paragraph (1)(I) based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.'';

(3) in subsection (e)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) special combat pay.'';

(4) in subsection (f), by striking paragraph (3) and inserting the following:

''(3) A qualified education benefit shall be considered an asset of—

''(A) the student if the student is an independent student; or

''(B) the parent if the student is a dependent student, regardless of whether the owner of the account is the student or the parent.'';

(5) in subsection (j)—

(A) in paragraph (2), by inserting '', or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code,'' after ''1986''; and

(B) by adding at the end the following:

''(4) Notwithstanding paragraph (1), special combat pay shall not be treated as estimated financial assistance for purposes of section 471(3).''; and

(6) by adding at the end the following:

''(n) SPECIAL COMBAT PAY.—The term 'special combat pay' means pay received by a member of the Armed Forces because of exposure to a hazardous situation.''.

SEC. 605. AUTHORIZATION AND APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000 for fiscal year 2008 for the Department of Education to pay the estimated increase in costs in the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) resulting from the amendments made by sections 603 and 604 for award year 2007–2008.

TITLE VII—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 701. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484(r) (20 U.S.C. 1091(r)) is amended—

(1) in the table in paragraph (1), by inserting ''while such student is enrolled in an institution of higher education and receiving financial assistance under this title'' after ''of a controlled substance'' each place the term appears;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

''(4) INTERACTION WITH FAFSA.—The Secretary shall not require a student to provide information regarding the student's possession or sale of a controlled substance on the Free Application for Federal Student Aid (FAFSA) or any other common financial reporting form described in section 483(a).''.

(b) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 for fiscal year 2008 for the Department of Education to pay the estimated increase in costs in the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) resulting from the amendments made by subsection (a) for award year 2007–2008.

TITLE VIII—MISCELLANEOUS

SEC. 801. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"PART I—COMPETITIVE LOAN AUCTION PILOT PROGRAM; STATE GRANT PROGRAM

"SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE FEDERAL PLUS LOAN.—The term 'eligible Federal PLUS Loan' means a loan described in section 428B made to a parent of a dependent student.

''(2) ELIGIBLE LENDER.—The term 'eligible lender' has the meaning given the term in section 435.

''(b) PILOT PROGRAM.—The Secretary shall carry out a pilot program under which the Secretary establishes a mechanism for an auction of eligible Federal PLUS Loans in accordance with this subsection. The pilot program shall meet the following requirements:

''(1) PLANNING AND IMPLEMENTATION.—During the period beginning on the date of enactment of this section and ending on June 30, 2009, the Secretary shall plan and implement the pilot program under this subsection.

''(2) ORIGINATION AND DISBURSEMENT; APPLICABILITY OF SECTION 428B.—Beginning on July 1, 2009, the Secretary shall arrange for the origination and disbursement of all eligible Federal PLUS Loans in accordance with the provisions of this subsection and the provisions of section 428B that are not inconsistent with this subsection.

''(3) LOAN ORIGINATION MECHANISM.—The Secretary shall establish a loan origination auction mechanism that meets the following requirements:

''(A) AUCTION.—The Secretary administers an auction under this paragraph for each State under which eligible lenders compete to originate eligible Federal PLUS Loans under this paragraph at all institutions of higher education within the State.

''(B) PREQUALIFICATION PROCESS.—The Secretary establishes a prequalification process for eligible lenders desiring to participate in an auction under this paragraph that contains, at a minimum—

''(i) a set of borrower benefits and servicing requirements each eligible lender shall meet in order to participate in such an auction; and

''(ii) an assessment of each such eligible lender's capacity, including capital capacity, to participate effectively.

''(C) TIMING AND ORIGINATION.—Each State auction takes place every 2 years, and the eligible lenders with the winning bids for the State are the only eligible lenders permitted to originate eligible Federal PLUS Loans made under this paragraph for the cohort of students at the institutions of higher education within the State until the students graduate from or leave the institutions of higher education.

''(D) BIDS.—Each eligible lender's bid consists of the amount of the special allowance payment (including the recapture of excess interest) the eligible lender proposes to accept from the Secretary with respect to the eligible Federal PLUS Loans made under this paragraph in lieu of the amount determined under section 438(b)(2)(I).

''(E) MAXIMUM BID.—The maximum bid allowable under this paragraph shall not exceed the amount of the special allowance payable on eligible Federal PLUS Loans made under this paragraph computed under section 438(b)(2)(I) (other than clauses (ii), (iii), (iv), and (vi) of such section), except that for purposes of the computation under this subparagraph, section 438(b)(2)(I)(i)(III) shall be applied by substituting '1.74 percent' for '2.34 percent'.

''(F) WINNING BIDS.—The winning bids for each State auction shall be the 2 bids containing the lowest and the second lowest proposed special allowance payments, subject to subparagraph (E).

''(G) AGREEMENT WITH SECRETARY.—Each eligible lender having a winning bid under subparagraph (F) enters into an agreement with the Secretary under which the eligible lender—

''(i) agrees to originate eligible Federal PLUS Loans under this paragraph to each borrower who—

''(I) seeks an eligible Federal PLUS Loan under this paragraph to enable a dependent student to attend an institution of higher education within the State;

''(II) is eligible for an eligible Federal PLUS Loan; and

''(III) elects to borrow from the eligible lender; and

''(ii) agrees to accept a special allowance payment (including the recapture of excess interest) from the Secretary with respect to the eligible Federal PLUS Loans originated under clause (i) in the amount proposed in the second lowest winning bid described in subparagraph (F) for the applicable State auction.

''(H) SEALED BIDS; CONFIDENTIALITY.—All bids are sealed and the Secretary keeps the bids confidential, including following the announcement of the winning bids.

''(I) ELIGIBLE LENDER OF LAST RESORT.—

''(i) IN GENERAL.—In the event that there is no winning bid under subparagraph (F), the students at the institutions of higher education within the State that was the subject of the auction shall be served by an eligible lender of last resort, as determined by the Secretary.

''(ii) DETERMINATION OF ELIGIBLE LENDER OF LAST RESORT.—Prior to the start of any auction under this paragraph, eligible lenders that desire to serve as an eligible lender of last resort shall submit an application to the Secretary at such time and in such manner as the Secretary may determine. Such application shall include an assurance that the eligible lender will meet the prequalification requirements described in subparagraph (B).

''(iii) GEOGRAPHIC LOCATION.—The Secretary shall identify an eligible lender of last resort for each State.

''(iv) NOTIFICATION TIMING.—The Secretary shall not identify any eligible lender of last resort until after the announcement of all the winning bids for a State auction for any year.

''(J) GUARANTEE AGAINST LOSSES.—The Secretary guarantees the eligible Federal PLUS Loans made under this paragraph against losses resulting from the default of a parent borrower in an amount equal to 99 percent of the unpaid principal and interest due on the loan.

''(K) LOAN FEES.—The Secretary shall not collect a loan fee under section 438(d) with respect to an eligible Federal Plus Loan originated under this paragraph.

''(L) CONSOLIDATION.—

''(i) IN GENERAL.—An eligible lender who is permitted to originate eligible Federal PLUS Loans for a borrower under this paragraph shall have the option to consolidate such loans into 1 loan.

''(ii) NOTIFICATION.—In the event a borrower with eligible Federal PLUS Loans made under this paragraph wishes to consolidate the loans, the borrower shall notify the eligible lender who originated the loans under this paragraph.

''(iii) LIMITATION ON ELIGIBLE LENDER OPTION TO CONSOLIDATE.—The option described in clause (i) shall not apply if—

''(I) the borrower includes in the notification in clause (ii) verification of consolidation terms and conditions offered by an eligible lender other than the eligible lender described in clause (i); and

''(II) not later than 10 days after receiving such notification from the borrower, the eligible lender described in clause (i) does not agree to match such terms and conditions, or provide more favorable terms and conditions to such borrower than the offered terms and conditions described in subclause (I).

''(iv) CONSOLIDATION OF ADDITIONAL LOANS.—If a borrower has a Federal Direct PLUS Loan or a loan made on behalf of a dependent student under section 428B and seeks to consolidate such loan with an eligible Federal PLUS Loan made under this paragraph, then the eligible lender that originated the borrower's loan under this paragraph may include in the consolidation under this subparagraph a Federal Direct PLUS Loan or a loan made on behalf of a dependent student under section 428B, but only if—

''(I) in the case of a Federal Direct PLUS Loan, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions that would otherwise be available to the borrower if the borrower consolidated such loans in the loan program under part D; or

''(II) in the case of a loan made on behalf of a dependent student under section 428B, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions offered by an eligible lender other than the eligible lender that originated the borrower's loans under this paragraph.

''(v) SPECIAL ALLOWANCE ON CONSOLIDATION LOANS THAT INCLUDE LOANS MADE UNDER THIS PARAGRAPH.—The applicable special allowance payment for loans consolidated under this paragraph shall be equal to the lesser of—

''(I) the weighted average of the special allowance payment on such loans, except that such weighted average shall exclude the special allowance payment for any Federal Direct PLUS Loan included in the consolidation; or

''(II) the result of—

''(aa) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period; plus

''(bb) 1.59 percent.

''(vi) INTEREST PAYMENT REBATE FEE.—Any loan under section 428C consolidated under this paragraph shall not be subject to the interest payment rebate fee under section 428C(f).

''(c) COLLEGE ACCESS PARTNERSHIP GRANT PROGRAM.—

''(1) PURPOSE.—It is the purpose of this subsection to make payments to States to assist the States in carrying out the activities and services described in paragraph (7) in order to increase access to higher education for students in the State.

''(2) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $25,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

''(3) PROGRAM AUTHORIZED.—

''(A) GRANTS AUTHORIZED.—From amounts appropriated under paragraph (2), the Secretary shall award grants, from allotments under paragraph (4), to States having applications approved under paragraph (5), to enable the State to pay the Federal share of the costs of carrying out the activities and services described in paragraph (7).

''(B) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(i) FEDERAL SHARE.—The amount of the Federal share under this subsection for a fiscal year shall be equal to ⅔ of the costs of the activities and services described in paragraph (7).

''(ii) NON-FEDERAL SHARE.—The amount of the non-Federal share under this subsection shall be equal to ⅓ of the costs of the activities and services described in paragraph (7). The non-Federal share may be in cash or in-kind, and may be provided from a combination of State resources and contributions from private organizations in the State.

''(C) REDUCTION FOR FAILURE TO PAY NON-FEDERAL SHARE.—If a State fails to provide the full non-Federal share required under this paragraph, the Secretary shall reduce the amount of the grant payment under this subsection proportionately.

''(D) TEMPORARY INELIGIBILITY FOR SUBSEQUENT PAYMENTS.—

''(i) IN GENERAL.—The Secretary shall determine a State to be temporarily ineligible to receive a grant payment under this subsection for a fiscal year if—

''(I) the State fails to submit an annual report pursuant to paragraph (9) for the preceding fiscal year; or

''(II) the Secretary determines, based on information in such annual report, that the State is not effectively meeting the conditions described under paragraph (8) and the goals of the application under paragraph (5).

''(ii) REINSTATEMENT.—If the Secretary determines a State is ineligible under clause (i), the Secretary may enter into an agreement with the State setting forth the terms and conditions under which the State may regain eligibility to receive payments under this subsection.

''(4) DETERMINATION OF ALLOTMENT.—

''(A) AMOUNT OF ALLOTMENT.—Subject to subparagraph (B), in making grant payments to States under this subsection, the allotment to each State for a fiscal year shall be equal to the sum of—

''(i) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 5 through 17 who are living below the

poverty line applicable to the resident's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States; and

''(ii) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 15 through 44 who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States.

''(B) MINIMUM AMOUNT.—No State shall receive an allotment under this subsection for a fiscal year in an amount that is less than ½ of 1 percent of the total amount appropriated under paragraph (2) for such fiscal year.

''(5) SUBMISSION AND CONTENTS OF APPLICATION.—

''(A) IN GENERAL.—For each fiscal year for which a State desires a grant payment under paragraph (3), the State agency with jurisdiction over higher education, or another agency designated by the Governor of the State to administer the program under this subsection, shall submit an application to the Secretary at such time, in such manner, and containing the information described in subparagraph (B).

''(B) APPLICATION.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's capacity to administer the grant under this subsection and report annually to the Secretary on the activities and services described in paragraph (7).

''(ii) A description of the State's plan for using the grant funds to meet the requirements of paragraphs (7) and (8), including plans for how the State will make special efforts to provide such benefits to students in the State that are underrepresented in postsecondary education.

''(iii) A description of how the State will provide or coordinate the non-Federal share from State and private funds, if applicable.

''(iv) A description of the existing structure that the State has in place to administer the activities and services under paragraph (7) or the plan to develop such administrative capacity.

''(6) PAYMENT TO ELIGIBLE NONPROFIT ORGANIZATIONS.—A State receiving a payment under this subsection may elect to make a payment to 1 or more eligible nonprofit organizations, including an eligible not-for-profit holder (as defined in section 438(p)), or a partnership of such organizations, in the State in order to carry out activities or services described in paragraph (7), if the eligible nonprofit organization or partnership—

''(A) was in existence on the day before the date of enactment of the Higher Education Access Act of 2007; and

''(B) as of the day of such payment, is participating in activities and services related to increasing access to higher education, such as those activities and services described in paragraph (7).

''(7) ALLOWABLE USES.—

''(A) IN GENERAL.—Subject to subparagraph (C), a State may use a grant payment under this subsection only for the following activities and services, pursuant to the conditions under paragraph (8):

''(i) Information for students and families regarding—

''(I) the benefits of a postsecondary education;

''(II) postsecondary education opportunities;

''(III) planning for postsecondary education; and

''(IV) career preparation.

''(ii) Information on financing options for postsecondary education and activities that promote financial literacy and debt management among students and families.

''(iii) Outreach activities for students who may be at risk of not enrolling in or completing postsecondary education.

''(iv) Assistance in completion of the Free Application for Federal Student Aid or other common financial reporting form under section 483(a).

''(v) Need-based grant aid for students.

''(vi) Professional development for guidance counselors at middle schools and secondary schools, and financial aid administrators and college admissions counselors at institutions of higher education, to improve such individuals' capacity to assist students and parents with—

''(I) understanding—

''(aa) entrance requirements for admission to institutions of higher education; and

''(bb) State eligibility requirements for Academic Competitiveness Grants or National SMART Grants under section 401A, and other financial assistance that is dependent upon a student's coursework;

''(II) applying to institutions of higher education;

''(III) applying for Federal student financial assistance and other State, local, and private student financial assistance and scholarships;

''(IV) activities that increase students' ability to successfully complete the coursework required for a postsecondary degree, including activities such as tutoring or mentoring; and

''(V) activities to improve secondary school students' preparedness for postsecondary entrance examinations.

''(vii) Student loan cancellation or repayment (as applicable), or interest rate reductions, for borrowers who are employed in a high-need geographical area or a high-need profession in the State, as determined by the State.

''(B) PROHIBITED USES.—Funds made available under this subsection shall not be used to promote any lender's loans.

''(C) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State may use not more than 2 percent of the total amount of the Federal share and non-Federal share provided under this subsection for administrative purposes relating to the grant under this subsection.

''(8) SPECIAL CONDITIONS.—

''(A) AVAILABILITY TO STUDENTS AND FAMILIES.—A State receiving a grant payment under this subsection shall—

''(i) make the activities and services described in clauses (i) through (vi) of paragraph (7)(A) that are funded under the payment available to all qualifying students and families in the State;

''(ii) allow students and families to participate in the activities and services without regard to—

''(I) the postsecondary institution in which the student enrolls;

''(II) the type of student loan the student receives;

''(III) the servicer of such loan; or

''(IV) the student's academic performance;

''(iii) not charge any student or parent a fee or additional charge to participate in the activities or services; and

''(iv) in the case of an activity providing grant aid, not require a student to meet any condition other than eligibility for Federal financial assistance under this title, except as provided for in the loan cancellation or repayment or interest rate reductions described in paragraph (7)(A)(vii).

''(B) PRIORITY.—A State receiving a grant payment under this subsection shall, in carrying out any activity or service described in paragraph (7)(A) with the grant funds, prioritize students and families who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act).

''(C) DISCLOSURES.—

''(i) ORGANIZATIONAL DISCLOSURES.—In the case of a State that has chosen to make a payment to an eligible not-for-profit holder in the State in accordance with paragraph (6), the holder shall clearly and prominently indicate the name of the holder and the nature of its work in connection with any of the activities carried out, or any information or services provided, with such funds.

''(ii) INFORMATIONAL DISCLOSURES.—Any information about financing options for higher education provided through an activity or service funded under this subsection shall—

''(I) include information to students and the students' parents of the availability of Federal, State, local, institutional, and other grants and loans for postsecondary education; and

''(II) present information on financial assistance for postsecondary education that is not provided under this title in a manner that is clearly distinct from information on student financial assistance under this title.

''(D) COORDINATION.—A State receiving a grant payment under this subsection shall attempt to coordinate the activities carried out with the payment with any existing activities that are similar to such activities, and with any other entities that support the existing activities in the State.

''(9) REPORT.—A State receiving a payment under this subsection shall prepare and submit an annual report to the Secretary on the program under this subsection and on the implementation of the activities and services described in paragraph (7). The report shall include—

''(A) each activity or service that was provided to students and families over the course of the year;

''(B) the cost of providing each activity or service;

''(C) the number, and percentage, if feasible and applicable, of students who received each activity or service; and

''(D) the total contributions from private organizations included in the State's non-Federal share for the fiscal year.

''(10) SUNSET.—The authority provided to carry out this subsection shall expire on September 30, 2009.

''(d) FINANCIAL LITERACY PROGRAM ESTABLISHED.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit or for-profit organization, or a consortium of such organizations, with a demonstrated record of effectiveness in providing financial literacy services to students at the secondary and postsecondary level.

''(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (6), the Secretary shall award grants to eligible entities to enable the eligible entities to increase the financial literacy of students who are enrolled or will enroll in an institution of higher education, including providing instruction to students on topics such as the understanding of loan terms and conditions, the calculation of interest rates, refinancing of debt, debt management, and future savings for education, health care and long-term care, and retirement.

''(3) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

''(4) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal

sources, an amount (which may be provided in cash or in kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

''(5) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include the following:

''(A) A detailed description of the eligible entity's plans for providing financial literacy activities and the students and schools the grant will target.

''(B) The eligible entity's plan for using the matching grant funds, including how the funds will be used to provide financial literacy programs to students.

''(C) A plan to ensure the viability of the work of the eligible entity beyond the grant period.

''(D) A detailed description of the activities that carry out this subsection and that are conducted by the eligible entity at the time of the application, and how the matching grant funds will assist the eligible entity with expanding and enhancing such activities.

''(E) A description of the strategies that will be used to target activities under the grant to students in secondary school and enrolled in institutions of higher education who are historically underrepresented in institutions of higher education and who may benefit from the activities of the eligible entity.

''(6) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $10,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

''(e) SECONDARY SCHOOL GRADUATION AND COLLEGE ENROLLMENT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

''(i) IN GENERAL.—The term 'eligible local educational agency' means a local educational agency with a secondary school graduation rate of 70 percent or less—

''(I) in the aggregate; or

''(II) applicable to 2 or more subgroups of secondary school students served by the local educational agency that are described in clause (ii).

''(ii) SUBGROUPS.—A subgroup referred to in clause (i)(II) is—

''(I) a subgroup of economically disadvantaged students; or

''(II) a subgroup of students from a major racial or ethnic group.

''(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium of a nonprofit organization and an institution of higher education with a demonstrated record of effectiveness in raising secondary school graduation rates and postsecondary enrollment rates.

''(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (7), the Secretary shall award grants to eligible entities to enable the eligible entities to carry out activities that—

''(A) create models of excellence for academically rigorous secondary schools, including early college secondary schools;

''(B) increase secondary school graduation rates;

''(C) raise the rate of students who enroll in an institution of higher education;

''(D) improve instruction and access to supports for struggling secondary school students;

''(E) create, implement, and utilize early warning systems to help identify students at risk of dropping out of secondary school; and

''(F) improve communication between parents, students, and schools concerning requirements for secondary school graduation, postsecondary education enrollment, and financial assistance available for attending postsecondary education.

''(3) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the funds—

''(A) to implement a college-preparatory curriculum for all students in a secondary school served by the eligible local educational agency that is, at a minimum, aligned with a rigorous secondary school program of study;

''(B) to implement accelerated academic catch-up programs, for students who enter secondary school not meeting the proficient levels of student academic achievement on the State academic assessments for mathematics, reading or language arts, or science under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, that enable such students to meet the proficient levels of achievement and remain on track to graduate from secondary school on time with a regular secondary school diploma;

''(C) to implement an early warning system to quickly identify students at risk of dropping out of secondary school, including systems that track student absenteeism; and

''(D) to implement a comprehensive postsecondary education guidance program that—

''(i) will ensure that all students are regularly notified throughout the students' time in secondary school of secondary school graduation requirements and postsecondary education entrance requirements; and

''(ii) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial assistance and other State, local, and private financial assistance and scholarships.

''(4) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

''(5) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount (which may be provided in cash or in-kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

''(6) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(7) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, $25,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.''.

SA 2328. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

''SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) IN GENERAL.—Each eligible institution participating in any program under this title which is among those identified during the prior calendar year by the Secretary pursuant to subsection (b)(2), shall—

''(1) provide evidence to the Secretary that the institution has notified students on its policies and procedures related to the illegal downloading and distribution of copyrighted materials by students as required under section 485(a)(1)(P);

''(2) undertake a review, which shall be submitted to the Secretary, of its procedures and plans related to preventing illegal downloading and distribution to determine the program's effectiveness and implement changes to the program if the changes are needed; and

''(3) provide evidence to the Secretary that the institution has developed a plan for implementing a technology-based deterrent to prevent the illegal downloading or peer-to-peer distribution of intellectual property.

''(b) IDENTIFICATION.—For purposes of carrying out the requirements of subsection (a), the Secretary shall, on an annual basis, identify—

''(1) the 25 institutions of higher education participating in programs under this title, which have received during the previous calendar year the highest number of written notices from copyright owners, or persons authorized to act on behalf of copyright owners, alleging infringement of copyright by users of the institution's information technology systems, where such notices identify with specificity the works alleged to be infringed, or a representative list of works alleged to be infringed, the date and time of the alleged infringing conduct together with information sufficient to identify the infringing user, and information sufficient to contact the copyright owner or its authorized representative; and

''(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of copyright by users of the institution's information technology systems, as described in paragraph (1).''.

SA 2329. Ms. MURKOWSKI proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

On page 55, line 23, strike ''$25,000,000'' and insert ''$113,000,000''.

SA 2330. Mr. KENNEDY proposed an amendment to amendment SA 2327 proposed by Mr. KENNEDY to the bill H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; as follows:

Strike subparagraph (G) of section 401B(e)(1) of the Higher Education Act of 1965, as added by section 102(a) of the Higher Education Access Act of 2007, and insert the following:

''(G) $3,650,000,000 for fiscal year 2014;

''(H) $3,850,000,000 for fiscal year 2015;

''(I) $4,175,000,000 for fiscal year 2016; and

''(J) $4,180,000,000 for fiscal year 2017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order

to conduct a hearing entitled ''Increasing Government Accountability and Ensuring Fairness in Small Business Contracting,'' on Wednesday, July 18, 2007, beginning at 2 p.m. in room 428A of the Russell Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, July 18, 2007 from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following interns in my office be allowed floor privileges during today's session of the Senate: Erin McGuire, Maureen McGuire, Owen Thal, Samantha Currier, and Sonia Russo.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that Jack Kammerer, a fellow in my office, be granted the privilege of the floor during the remainder of the debate on the Defense authorization bill.

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

Mr. BINGAMAN. Mr. President, on behalf of Senator DODD, I ask unanimous consent that his fellow, Taniesha Woods, be granted the privilege of the floor during the consideration of the higher education reconciliation bill.

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

Mr. ENZI. Mr. President, I ask unanimous consent that Ann Clough, a detailee in my office, be granted the privileges of the floor for the remainder of the debate on H.R. 2669.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 96–114, as amended, appoints the following individual to the Congressional Award Board: Adam Ruiz of Kentucky.

AUTHORIZING SENATE LEGAL COUNSEL

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 274 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) to authorize representation by the Senate Legal Counsel in the case of Lewis v. Bayh.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a pro se civil action filed against Senator EVAN BAYH, in which plaintiff alleges, as best as can be pieced together from the complaint, which offers no factual support, that the Senator intervened in the processing of plaintiffs FOIA request to the Department of the Treasury to block access to documents in order to protect the identities of constituents whose names would have been revealed in the documents and who, according to plaintiff, had violated plaintiffs civil and constitutional rights.

This resolution authorizes the Senate Legal Counsel to represent Senator BAYH in this suit and to move for its dismissal on both threshold jurisdictional grounds and failure to state a claim on the merits.

I urge the Senate to approve this important legislation.

Mr. KENNEDY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

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

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas, in the case of Lewis v. Bayh, Case No. 07–CV–0939 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named as defendant Senator Evan Bayh;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Evan Bayh in the case of Lewis v. Bayh.

MAKING MINORITY PARTY APPOINTMENTS

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 275, and that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 275) was agreed to, as follows:

S. RES. 275

Resolved, That the following be the minority membership on the Committee on Armed Services for the remainder of the 110th Congress, or until their successors are appointed:

Mr. McCain, Mr. Warner, Mr. Inhofe, Mr. Sessions, Ms. Collins, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune, Mr. Martinez, and Mr. Corker.

PASSPORT BACKLOG REDUCTION ACT OF 2007

Mr. KENNEDY. Madam President, I ask that the Chair lay before the Senate a message from the House on S. 966, the Passport Backlog Reduction Act of 2007.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

S. 966

Resolved, That the bill from the Senate (S. 966) entitled ''An Act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Passport Backlog Reduction Act of 2007''.

SEC. 2. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph—

''(C)(i) to provide assistance to consular posts with a substantial backlog of visa applications; or

''(ii) to provide assistance to meet the demand resulting from the passport and travel document requirements set forth in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note), including assistance related to the investigation of fraud in connection with an application for a passport.''; and

(2) in paragraph (2)—

(A) by striking ''The authority'' and inserting ''(A) The authority''; and

(B) by adding at the end the following new subparagraphs:

''(B) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(i) of paragraph (1) shall terminate on September 30, 2008.

''(C) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (C)(ii) of paragraph (1) shall terminate on September 30, 2009.''.

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

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

ORDERS FOR THURSDAY, JULY 19, 2007

Mr. KENNEDY. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, July 19; that on Thursday, 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; and the Senate then resume consideration of H.R. 2669.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Madam 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 5:09 p.m., adjourned until Thursday, July 19, 2007, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate July 18 (legislative day of July 17), 2007:

THE JUDICIARY

ROBERT M. DOW, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE CHARLES P. KOCORAS, RETIRED.