

that have clogged Federal courts, executive agencies, and the Congress.

The Institute was placed at the Morris K. Udall Foundation in recognition of former Representative Morris K. Udall from Arizona and his exceptional environmental record, as well as his unusual ability to build a consensus among fractious and even hostile interests. The Institute was established as an experiment with the idea that hidden within fractured environmental debates lay the seeds for many agreements, an approach applied by Mo Udall with unsurpassed ability.

The success of the institute is far greater than we could have imagined. The institute began operations in 1999. Agencies from the Environmental Protection Agency, the Departments of Interior and Agriculture, the U.S. Navy, the Army Corps of Engineers, the Federal Highway Administration, the Federal Energy Regulatory Commission, and others have all called upon the Institute for assistance.

Among its many accomplishments, the Institution has also assisted in facilitating interagency teamwork for the Everglades Task Force which oversees the South Everglades Restoration Project. The U.S. Forest Service requested assistance to bring ranchers and environmental advocates in the southwest to work on grazing and environmental compliance issues. Even Members of Congress have sought the institute's assistance to review implementation of the Nation's fundamental environmental law, the National Environmental Policy Act, to assess how it can be improved using collaborative processes.

The demand on the institute's assistance had been much greater than anticipated. At the time the Institute was created, we did not anticipate the magnitude of the role it would serve to the Federal Government. The institute has served as a mediator between agencies and as an advisor to agency dispute resolution efforts involving overlapping or competing jurisdictions and mandates, developing long-term solutions, training personnel in consensus-building efforts, and designing international systems for preventing or resolving disputes.

This legislation simply extends the authorization for the Institute for an additional 5 years. Support for the institute's service is an investment that will ultimately benefit the taxpayers by preventing costly litigation. I urge my colleagues to support this bill.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1902. A bill to limit cost growth associated with major defense base closures and realignments implemented as part of the 2005 round of defense base closure and realignment; to the Committee on Armed Services.

Mr. MENENDEZ. Mr. President, one of the primary goals of the Pentagon's Base Realignment and Closure, BRAC, process is to reduce costs. Unfortu-

nately, we have seen the cost of implementing BRAC balloon out of control. Back in 2005, Congress agreed to implement the recommendations of the BRAC Commission based on the understanding that it would cost the American taxpayers \$21 billion, a substantial investment. But now, only two years later, we are looking at a price tag of \$30 billion, which is a 43 percent increase.

If costs continue to rise at this rate, we will be looking at even more of a burden on the American taxpayer by the time the base closures and realignments are completed in 2011. In my home State of New Jersey, we are keenly aware of some of the wildly inaccurate cost estimates used in the BRAC process. The closing of New Jersey's army base at Fort Monmouth was originally expected to cost \$780 million, now we are looking at a \$1.5 billion price tag. Part of this inflated cost is due to the egregious miscalculations on how much it would cost to move the U.S. Military Academy Preparatory School, currently located in New Jersey, to West Point, NY. Although the BRAC Commission's original, one-time implementation cost estimate was \$29 million, current estimates put the move at nearly \$200 million. Many communities and families will be greatly impacted by the closing of Fort Monmouth and the relocation of the military prep school. Knowing that these decisions were based on miscalculations and misinformation does not sit well with our State, and it should not sit well with taxpayers across the country either. If American families are being forced to foot a bill they weren't expecting, there should be an escape hatch.

That is why I am introducing the BRAC Cost Overruns Protection Act of 2007 or the BRAC COP Act. This legislation will work to control the excessive cost overruns in BRAC and ensure that BRAC is maximizing our taxpayers' money. This bill, which I am introducing with Senator LAUTENBERG, is based on principles found in existing law concerning cost overruns in weapons programs, known as the Nunn-McCurdy amendment. Let me take a few moments to discuss exactly how this legislation will work.

The BRAC COP Act will create a trigger mechanism to require a re-evaluation of any major base closure or realignment should the actual cost exceed BRAC's estimated cost by more than 25 percent. In order to monitor BRAC costs, this bill will require the Secretary of Defense to write biannual reports on the costs of implementing the pending base closure or realignment recommendations mandated by BRAC law. If the secretary determines that the actual cost of implementing a major base closure or realignment recommendation has exceeded the 25 percent threshold, the Defense Secretary will then notify the Chairman and Ranking Member the Congressional Defense Committees and devise a business

plan to reduce the cost, without readjusting the baseline estimated cost, so that it does not exceed the 25 percent limit.

The Secretary will then make a recommendation to the President on whether to continue the base closure or realignment. The BRAC COP Act also supports transparency in this process, so if the Defense Secretary recommends that the President continue or modify the base closure or realignment, despite the excessive cost overruns, the Secretary must include an explanation of why it is necessary to continue with these expenditures. After reviewing the Secretary's recommendation, the President will make his own recommendation and submit it to Congress. Just like the congressional procedure for voting on BRAC law, Congress will then have the option to vote to disapprove the President's recommendation.

Let me be clear: this legislation will not overturn BRAC, nor is it intended to re-open the BRAC process. This bill simply asks that the Secretary of Defense, the President, and the Congress take a second look when we face exorbitant cost overruns. The BRAC COP Act will only affect the largest base closures and realignments that are over budget, so we will not be analyzing every single one of the BRAC recommendations.

It is time that the Defense Department is held more accountable for its expenditures. This Congress and the American people do not want to continue providing blank checks so that the Pentagon can rework its accounting tables, regardless of the costs. Congress supported the recommendations of the 2005 BRAC Commission based on the fact that these closures and realignments, although inconvenient, would end up saving money in the long run and addressing the changing requirements of our military. It now appears that cost-benefit analysis has changed. The BRAC COP Act will work to ensure that the 2005 BRAC law, and any future BRAC laws, do not go grossly over budget.

This bill is good for our military and our communities, and I ask my colleagues to support this fiscally responsible legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 283—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES POSTAL SERVICE SHOULD DISCONTINUE THE PRACTICE OF CONTRACTING OUT MAIL DELIVERY SERVICES

Mr. CASEY submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 283

Whereas letter carriers of the United States Postal Service provide mail delivery

service to over 144,000,000 homes and businesses across the Nation;

Whereas the contracting out of mail delivery services is being increasingly promoted by the Postal Service as a key business strategy for its core function;

Whereas by contracting out letter carrier positions, the Postal Service is bypassing the hiring process that ensures that only qualified people handle America's mail;

Whereas the contracting out of mail delivery services limits the ability of the Postal Service to prevent, investigate, and prosecute mail theft, mail fraud, and other illegal uses of the mail; and

Whereas the protection of our mail delivery services is a vital component of our national security: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Postal Service should discontinue the practice of contracting out mail delivery services.

SENATE RESOLUTION 284—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY AND COUNTY OF DENVER V. SUSAN I. GOMEZ, DANIEL R. EGGER, AND CARTER MERRILL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas, in the cases of City and County of Denver v. Susan I Gomez (07GS008693), Daniel R. Egger (07GS008692), and Carter Merrill (07GS967589), pending in Denver County Court in Denver, Colorado, testimony has been requested from Matthew Cheroutes, an employee in the office of Senator Ken Salazar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Matthew Cheroutes and any other employees of Senator Salazar's office from whom testimony may be required are authorized to testify in the cases of City and County of Denver v. Susan I Gomez, Daniel R. Egger, and Carter Merrill, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Matthew Cheroutes and other employees of Senator Salazar's staff in the actions referenced in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2528. Mr. DODD (for himself and Mr. NELSON, of Nebraska) 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.

TEXT OF AMENDMENTS

SA 2528. Mr. DODD (for himself and Mr. NELSON of Nebraska) 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. FAMILY LEAVE FOR CAREGIVERS OF MEMBERS OF THE ARMED FORCES.

(a) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

“(14) COMBAT-RELATED INJURY.—The term ‘combat-related injury’ means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

“(A) as a direct result of armed conflict;

“(B) while an individual was engaged in hazardous service;

“(C) in the performance of duty under conditions simulating war; or

“(D) through an instrumentality of war.

“(15) SERVICEMEMBER.—The term ‘servicemember’ means a member of the Armed Forces.”.

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

“(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 workweeks of leave during any 12-month period to care for the servicemember.

“(4) COMBINED LEAVE TOTAL.—An eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3).”.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), by inserting after the second sentence the following: “Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule”; and

(ii) in paragraph (2), by inserting “or subsection (a)(3)” after “subsection (a)(1)”.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting “(or 26 workweeks in the case of leave provided under subsection (a)(3))” after “12 workweeks” the first place it appears; and

(II) by inserting “(or 26 workweeks, as appropriate)” after “12 workweeks” the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: “An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family

leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.”.

(C) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

“(3) NOTICE FOR SERVICEMEMBER FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.”.

(D) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

“(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.”.

(E) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting “or section 102(a)(3)” before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking “or” at the end;

(II) in clause (ii), by striking the period and inserting “; or”; and

(III) by adding at the end the following:

“(iii) a certification issued by the health care provider of the person for whom the employee is the primary caregiver, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).”.

(F) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting “(or 26 weeks, in a case involving leave under section 102(a)(3))” after “12 weeks”.

(G) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting “or section 102(a)(3)” after “section 102(a)(1)”.

(b) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(7) the term ‘combat-related injury’ means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

“(A) as a direct result of armed conflict;

“(B) while an individual was engaged in hazardous service;

“(C) in the performance of duty under conditions simulating war; or

“(D) through an instrumentality of war; and

“(8) the term ‘servicemember’ means a member of the Armed Forces.”.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

“(3) Subject to section 6383, an employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 administrative workweeks of leave during any 12-month period to care for the servicemember.

“(4) An employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3).”.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), by inserting after the second sentence the following: “Subject to paragraph (2), leave under subsection (a)(3)