The Senate met at 9:15 a.m. and was called to order by the Honorable Sheldon Whitehouse, a Senator from the State of Rhode Island.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
God of all nations, Lord of all people, thank You for a land where we can believe that our rights and freedom come from You. We praise You for Your gifts of life, liberty, and dreams, and for those who make daily sacrifices for freedom. Forgive us when we fail to live up to our high heritage, and infuse us with a grace that transforms us into instruments of Your purposes.

Empower our Senators to protect and guard the foundations of our liberty so that America will bless the world. When our lawmakers are weary, replenish their spirits with the inspiration of Your presence, and never forsake them in their hour of need. Bellow the flickering embers of their hearts until they are white-hot again with the fires of patriotism, vision, service, and hope.

As many people prepare for Yom Kippur, we thank You for Your atoning sacrifice that purchased our freedom. We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Sheldon Whitehouse led the Pledge of Allegiance, as follows: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:
U.S. SENATE,
PRESIDENT PRO TEMPORE,

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

ROBERT C. BYRD, President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. REID. Mr. President, this morning the Senate will immediately resume consideration of the Defense Department authorization measure and conclude debate on the Levin-Reed amendment. Debate time until 9:50 this morning is equally divided and controlled between Senators Levin and McCain. The two leaders will control the time between 9:50 and 10 a.m., with myself controlling the last 5 minutes, the vote occurring at 10 a.m. At 10 a.m., that will be the only vote to occur today.

I very much appreciate the cooperation of all Senators, Democrats and Republicans, that we worked out our problems on Monday so that we can vote on the very long-standing issue. We should have done it, but we didn’t, but I am glad we are doing it now—the WRDA bill. It is bipartisan; Senators Boxer and Inhofe worked on it very hard. We are going to finish this Monday night. There will be work done on the Defense authorization bill on Monday. People can come and offer amendments, debate measures—whatever the managers feel is appropriate. Hopefully we can clear some amendments on that occasion.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

A bill (H.R. 1885) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Warner (for Graham/Kyl) amendment No. 2084 (to amendment No. 2011), to strike section 3017 (to amendment No. 2011), to express the sense of the Senate regarding Iran.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:50 a.m. will be equally divided between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN.

Who yields time?

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

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

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

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

Mr. LEVIN. I also ask unanimous consent that the time of the quorum be equally divided and that apply retroactively.

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

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank my colleague, Senator Levin, for yielding time and also for being the principal author of the Levin-Reed amendment, the amendment we are considering today. We have a vote shortly. The amendment recognizes that we have responsibilities in Iraq, but it also recognizes the constraints we face in Iraq.

The first principal constraint is a lack of sufficient forces to maintain the current force level there. That alone must drive a change in mission for our military forces in Iraq. But it also recognizes the fundamental dynamic in Iraq, which is a political dynamic. It is a political dynamic that must be achieved, not by the United States but by Iraqi political leaders. When the President announced the surge in January, he made it very clear that the whole purpose was to provide these leaders with the political space and the climate to make tough decisions. Frankly, those decisions have not been made.

What we have gained on the ground has been tactical momentum. Any time you insert the greatest Army and Marine Corps and Air Force and Navy in the world into a situation, you are going to make progress—and we have. But the real question there is, Will that progress last when we inevitably begin to draw our forces down, as General Petraeus has announced? I think most people would suggest probably not.

So we are left with the reality on the ground and the reality here at home. I cannot thanistle that the American people believe is misguided and has been incompetently executed by the administration. We have to change the mission, and the core of the Levin-Reed amendment is to change that mission from an open-ended “we will do anything you want,” Mr. Maliki, even if you don’t do anything we want” to focused counterterrorism, training Iraqi security forces, and protecting our forces. It also recognizes that we have to have a timeframe in which to do those things.

I am encouraged and I think all should be encouraged that a year ago when we started talking about initiating withdrawal of forces from Iraq, that was an item which was not only hotly debated on the floor but severely criticized.

General Petraeus has told us he will propose and will probably implement a withdrawal of forces before the end of his tenure. That is part of the Levin-Reed amendment. The second is to begin a transition to these missions, and we hope that can be accomplished in a very short period of time. Finally, we would like to see these missions fully vetted, fully set out and implemented on the ground, moving away from the open-ended approach within a fixed period of time. This approach, together with a very aggressive diplomatic approach, we believe is the key to contributing not just to the stability of Iraq but to the long-term interests of the United States in the region and the world.

I hope we are able to agree to this amendment, to pick up support. We have listened to General Petraeus. Frankly, he has in part agreed with us, which is in terms of beginning withdrawal. He has suggested, but not definitively, that some transition sometime down the road must take place. But I think—surprisingly to me, at least—when asked what should we do in the next year, he essentially said: I can’t tell you until next March, and then I will tell you. We have to have a plan, a strategy for this country that certainly goes beyond next March. The world current strategy in Iraq will not start and stop in March. They are continuous, they are challenging, and we have to face the best course of action going forward. We believe—I believe strongly—this is the best course of action.

This war in Iraq has cost billions of dollars. More profoundly and more fundamentally, it has taken the lives of over 3,700 American service men and women. It has injured countless. I think the American public is genuinely not only concerned but in a literal sense heartbroken about what is going on. They are asking us—indeed, demanding of us—if the President is unwilling to act, that we act to change the course, to provide a strategy and a policy that is consistent with our interests, with our resources, and with our ideals that will help us move forward.

I hope in the next several minutes as this vote comes to the floor that the message of the American people will be heard and heeded and that we will adopt the Levin-Reed amendment.

I yield my time.

Mr. LEVIN. Mr. President, I suggest unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I yield myself 4 minutes.

There is a lot of disagreement about Iraq policy, how we got into the quagmire we are in there, the failure to properly, the lack of a plan for the soldiers of the Iraqi Army, the lack of a plan for the aftermath and a number of other issues which have been the subject of great debate.

There is a consensus on a number of issues. It is that we are already, which drives the Levin-Reed amendment. There is a consensus that we have an important stake in a stable and independent Iraq. Everyone agrees on that. The proponents of this amendment like to suggest that somehow or other the proponents are not interested in a stable and independent Iraq. It is exactly the opposite. We are as interested in that as are the opponents.

The question is, Are we moving in that direction? Is the current policy working or do we need to change course? Do we need to find a way to put pressure on the Iraqi leaders to reach political settlement as the only hope of achieving an independent and stable Iraq?

That is not the proponents of this amendment who are saying a political settlement is not the only hope of ending the violence and achieving stability, that is not just the proponents, that is a consensus point. General Petraeus acknowledges that very openly. The Iraq Study Group says that. General Jones and his group say that.

There is no solution that ends the violence that is not based on a political coming together of the Iraqi leaders. They have to accept responsibility for their own country. They have to meet the benchmarks they themselves have set for themselves. They have missed those benchmarks and the timelines that were set out by themselves for those benchmarks.

We have to change course because we have been through now longer than we fought World War II, we have been there longer than we fought the Korean
war, we have spent half a trillion dollars or more, we have lost almost 4,000 of our brightest and bravest men and women, seven times that many wounded, $10 billion a month. 

We have to change the dynamic in Iraq, and that dynamic can only be changed when the Iraqi leaders realize the open-ended commitment is over. If we simply say, as the President says: Well, we will take another look in March, we will see what direction we are going to go in March, whether we are going to make our presence beyond the presssure level, but we will do that in March, that is a continuation of the message which this administration has been delivering to the Iraqi leaders year after year: We are going to be patient. We are going to be patient. The President has, a dozen times, said the American people need to be patient.

It is the opposite message that has a chance of working for the Iraqi leaders, that we are mighty inpatient here in America, calling for political leaders in Iraq, who are the only ones who can achieve a political settlement. We cannot impose that on them, only they can reach it.

If they keep thinking we are not going to be there unless they change the dynamic, we are going to be their security blanket, we are going to protect them in the Green Zone, we are going to continue to lose our lives and squander our resources while they dawdle, they are making the major fundamental mistake which is going to keep the violence going.

We have to correct that. We have to change that. We have to force those leaders to accept the responsibility for change that. We have to force those leaders to take responsibility for their own nation.

So it is not precipitous. We provide a reasonable timeline. We say the troops that need to be withdrawn as part of that transition to those new missions will start being withdrawn starting in March.

Mr. President, I yield the remainder of my time.

I yield the floor.

Mr. GRAHAM. Mr. President, how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Mr. GRAHAM. Mr. President, I yield 5 minutes to Senator INHOFE from Oklahoma.

Mr. INHOFE. Mr. President, I think we need to be real clear what we are talking about. What we are talking about is telling the enemy what we are going to do. If there is one thing they have said, our military has said we cannot do, is to leave precipitously and let them know when we are going to do it. But that is what we are talking about.

You know, when General Petraeus came a couple of weeks ago, I knew exactly what he was going to say because I was watching what it is not the over there actually 15 times in the AOR of Iraq, not always in Iraq, sometimes Afghanistan, Djibouti and all of that.

But I have watched very carefully, from time to time when we have been there, what progress has been made. I was in shock the last two trips we took. The last two trips, it was so evident in that one area, starting with Anbar, where most of the problems were. And I was in Anbar Province, in Fallujah, looking at the progress that took place, and it was chaos up there.

We remember our marines going door to door World War II style and all the things that were going on there. It is now totally secure. It is not secure under the Iraqi security forces.

We remember only a year ago the terrorists said Ramadi was going to be the terrorist capital of world. It is now secure. All of the way through down to Baghdad, the same thing is happening.

What has happened with this surge are three different things: No. 1, the surge itself. That is more people. No. 2, we had General Petraeus going in. No. 3, they did get the message from some of the screws on the cut and run resolutions that there was the threat that we would pull out, and, consequently, the Iraqi security forces have done things they have never done before. I learned something when I was over there, and that was it is not the political leaders, it is the religious leaders who are calling the shots. Our intelligence goes to all the weekly mosque meetings. Prior to the surge, 85 percent of the mosque meetings were anti-American messages. Since the surge, since April, there hasn’t been one.

So this is the kind of progress that is being made. We now have volunteers going out there with spray cans, putting up American messages. Since the surge, since April, there hasn’t been one.

We have this imbedded program, where they actually go in joint security stations and live with the Iraqis. It is something that has been very successful in developing close relationships. So this is the kind of success we are having.

I was up in Tikrit the other day. Remember, that is Saddam Hussein’s hometown. Even up there, in that home territory up there, with the exception of Diyala, it all looks real good. That is the bottom line. We have success.

If we pass something now that tells them that in a period of time you can expect us to leave, and this is what we are going to do, we are giving them our playbook. If you look and see what some of our top leaders have said about that, General Petraeus said: We cannot leave, in a period without jeopardizing the gains we have started to achieve.

Those are the gains I talked about. Secretary Gates said: If we were to withdraw, leaving Iraq in chaos, al-Qaida most certainly would use Anbar Province as another base from which to plan operations.

This is the type of thing we would be doing. I cannot imagine anyone would vote for any type of amendment that would tell the enemy specifically what we were going to do and when we were going to do it.

Ambassador Crocker says: I cannot guarantee success in Iraq. I do believe, as I have described, it is attainable. I am certain that abandoning or drastically curtailing our efforts will bring failure, and the consequences of such failure must be clearly understood by us all.

What are those consequences? It would be a vacuum. We have heard loudly and clearly from such people as President Ahmadinejad who said: We can tell you there will be a power vacuum in the region. (This is if we leave precipitously.) We are ready with other regional countries such as Saudi Arabia, and the people of Iraq to fill that vacuum.

In other words, we leave, Iran comes in, al-Qaida comes in, all the advances, all the sacrifices, all the lives that have been lost will have been lost in vain.

I cannot imagine anyone would vote for this amendment. I encourage my fellow Senators to oppose it.

I yield the floor.

Mr. GRAHAM. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There is 7 minutes 10 seconds.

Mr. GRAHAM. Mr. President, this has been a very spirited and meaningful debate. The amendment that has
been offered by two people I respect greatly. I do not question their motives about loving our country anymore than I do. They are trying to find out what is best for Iraq and a very difficult situation. We have an honest disagreement.

I think it has been a very healthy debate of reaching the same goal; that is, a successful outcome in Iraq. But make no mistake about it, from my point of view, the reason I oppose this resolution, it is a change in military strategy.

Senator REED talked about similarities between what General Petraeus said and what this resolution would do. There are some similarities, but it is a fundamental change in military strategy. After General Petraeus testified, is that wise for us to do that? Is it wise for the Congress to basically take operational control of this war from General Petraeus?

Because this is what this resolution would do, it would restructure our forces in a way he did not recommend. It would be a very overt rejection of General Petraeus’s leadership, his strategy, his vision, and his recommendations. I think we need to understand that would be the consequence of passing this resolution.

It would be saying, respectfully, no to General Petraeus and yes to the Congress in terms of how to run a war. I think that is not wise. It is the de facto return to the old strategy. For 3 1/2 years, we had the strategy on the ground in Iraq that did not produce results that were beneficial.

I am a military lawyer, and I have no expertise about how to invade a country or manage a population once the invasion is over. But I can tell you this based on common sense and 3 1/2 years of experience. The old strategy was not working. The first trip to Baghdad after the fall of the capital, you were able to go around. It was a bit chaotic, but you were able to go downtown and do some things you have a hard time even doing today.

But by the third trip to Baghdad after the fall, we were in a security environment, almost in a tank. So it was clear to me, training the Iraqi troops, having a small military footprint, was not achieving the security we needed for reconciliation. And the few “deadenders” were the most resilient people in the world. If the insurgency was in its last throes, it was a deep throe.

Every time I asked the people coming back who were running the old strategy and testifying to Congress, what is the general number of insurgents, about 5,000 hard-core insurgents. It is the most resilient 5,000 in the world. They were able, certainly, to do a lot of havoc. Thank goodness we changed strategies.

Senators LEVIN and REED and others have been arguing for a very long time to change course and change strategies. The President heard that call. He sat down with military leaders and put a new commander in the field. We have, in fact, changed strategies. What did we do? We went a different way. Instead of withdrawing troops and doing more of the same, we added troops. As Senator NIHOEFE said, it is the best thing we have done. These additional 30,000 combat troops interjected into the battlefield have paid off in increased security gains we have never seen before. Hats off to the surge. To those who are part of the surge, those who have been in Iraq for a very long time, I acknowledge and respect your success because the success has been undeniable. The challenges are also undeniable. But without the surge, there would have been no turnaround in Anbar. The people in Anbar had had enough of al-Qaida. We can’t take credit for that. Al-Qaida overplayed its hand, and we had additional combat power in place to take advantage of a population that was ready to make a choice, a choice for the good. Their rejection of al-Qaida is not national political reconciliation or democracy. But it is good news because you have Sunni Arabs rejecting the al-Qaida agenda, and that is great news.

This resolution not only is a rejection of General Petraeus’s strategy, his vision, his success, it has an impractical effect. The rules of engagement one would have to draft around implementing this strategy are almost impossible from my point of view. Just to train and fight al-Qaida, how do you do that, when you have all kinds of enemies running around Iraq, including Iran, including sectarian violence? The idea that we are going to change missions and adopt this resolution as a new mission and have such a limited military ability is unwise and impractical.

It is a dangerous precedent for the Congress to set to withdraw from a military commander who has been successful the power to implement a strategy that has proven to be successful.

The basic premise of the resolution is, if we change strategies, reject General Petraeus and go to the old strategy, which is, in essence, what we would be doing, it would bring about better reconciliation. My fundamental belief is that we will never have political reconciliation until we have better security. The new strategy, the surge, has brought about better security than we have ever had before in Iraq. Even though it is a dangerous place, there is no evidence to suggest that reconciliation would be enhanced by rejecting Petraeus and adopting the Congress’s plan for Iraq. Quite the opposite. I think all of the evidence we have before us is that a smaller military footprint, when you are training and fighting behind walls, empowers the enemy. If we adopted this resolution, the security gains we have achieved would be lost. We would be abandoning people who have come forward and taken part in the political process. They will only do that with better security.

When you reach across the aisle in America, you can pay a heavy price in terms of your political future. When you reach across the aisle in Baghdad, your family can be killed. Better security will breed more political reconciliation, not less. To abandon this strategy now, to constitute the Congress’s judgment for General Petraeus’s judgment and their strategy and unilaterally dictate what they believe is best for Iraq and a very different course of action in Iraq, the government of Iraq, the government of this war. Quite frankly, General Petraeus and the troops serving under him deserve our support and our respect, and they have earned the ability to carry on their mission. They have earned, based on success on the battlefield, the right to move forward as they deem to be militarily sound.

The Congress is at 11 percent. Part of the reason we are at 11 percent is that we don’t seem to be able to come together and solve hard problems. Why do we believe we have a better insight into how to win this war than a battlefield commander who has produced results never known before? I don’t think we do.

I will end this debate in a respectful manner. We have the same goal, and that is to bring about political reconciliation and success in Iraq. Unfortunately, this goes backwards at a time when we need to go forward.

Mr. DURBIN. Mr. President, today I am necessarily absent to attend a funeral, and therefore will miss rollcall vote No. 946 on the Levin-Reed amendment to provide for a reduction and transition of U.S. forces in Iraq. As a cosponsor of this amendment, had I been present, I would have voted “yea.”

Mr. REID. At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.

Mr. BOXER. Mr. President, I support passage of the Levin-Reed amendment and a new course of action in Iraq. This amendment makes three significant and important changes in our involvement in Iraq that to this point the administration has been unwilling to make, even though the American people have been demanding change for over a year.

First, it removes our troops from the civil war they are now policing and gives them three achievable missions:
to conduct targeted counterterrorism operations against al-Qaeda and affiliated terrorist organizations; to train and equip Iraqi Security Forces; and, to provide security for U.S. personnel and infrastructure.

Second, the amendment calls for the safe redeployment of those troops not required for these three missions beginning in 3 months and to be completed within 9 months of this bill’s passage.

And finally this amendment acknowledges that we have known all along that there is no military solution to this conflict. It calls for the implementation of a comprehensive diplomatic, political, and economic strategy to jump start the process of reconciliation and stability. This strategy would include sustained engagement with Iraq’s neighbors and the international community and the appointment of an international mediator in Iraq under the United Nations Security Council. The mediator would have the authority to address the political, religious, ethnic, and tribal leaders in a political process that aims to avoid no one wins—regional civil war.

For nearly 5 years, our troops have done everything asked of them. It is time that we are allowed to provide the very best for our own country. I urge adoption of the Levin-Reed amendment.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 9:50 and 10 a.m. will be equally divided between the leaders or their designees, with the majority leader or his designee controlling the final 5 minutes.

Mr. MCCAIN. Mr. President, with this vote, the Senate faces, once again, a simple choice: whether to build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or to ignore the realities on the ground and legislate the end of our military effort in Iraq, accepting thereby the terrible consequences that will ensue.

Many Senators wished to postpone this choice, preferring to await the testimony of General Petraeus and Ambassador Crocker. Last week these two career officers reported unambiguously that the new strategy is succeeding in Iraq. After nearly 4 years of mismanaged war, the situation on the ground in Iraq shows demonstrable signs of progress. And as we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

General Petraeus reported in detail on these gains during his testimony in both Houses and in countless interviews. He now reports that the 7-month-old security operation has reduced violence in Baghdad by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest level in a year, that civilian casualties have dropped from a high of 32 per day to 12 per day. His comments were echoed by LTG Abboud Qanbar, the Iraqi commander, who said that before the surge began the third of Baghdad’s 507 districts were under insurgent control. Today, he said, “only five to six districts can be called hot areas.” Anyone who has traveled recently to Anbar, or Diyala, or Baghdad can verify this improvement, that have taken place over the past months.

With violence down, commerce has risen and the bottom-up efforts to forge counterterrorism alliances are bearing tangible fruit.

None of this is to argue that Baghdad or other regions have suddenly become safe, or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate the necessary precondition last week that American and Iraqi forces have achieved substantial progress under their new strategy.

No one can guarantee success or be certain about its prospects. We can be only certain that our lack of political decisions to save their country from the abyss of genocide and a permanent and spreading war. Now is not the time for us to lose our resolve. We must remain steadfast in our mission, for we do not have the luxury of the heads of history upon which we our Nation was founded. That responsibility is our dearest privilege and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. I hope we might all have good reason to expect a kinder judgment of our flaws and follies because when it mattered most we chose to put the interests of this great and good Nation before our own, and hence in our own preserving for all humanity the magnificent and inspiring example of an assured, successful and ever advancing America and the ideals that make us still the greatest Nation on Earth.

Mr. GRAHAM. Mr. President, I don’t believe Senator MCCONNELL is coming.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it is morning in Washington and to the ideals that live in Baghdad. As we debate this war yet again at home, another day draws to a close for our troops in Iraq. Tonight they will sleep on foreign sand. Tomorrow they will draw yet again from an endless well of courage to face another day of war. Some will likely die. Many will surely be wounded. They will face hatred they did not create and violence they cannot resolve.

One soldier described the average day as “being ordered into how without knowing what was behind strangers’ doors ... walking along roadsides fearing the next step could trigger lethal explosives.”
The soldier who told that story tragically took his own life while on his second deployment. His name was PFC Travis Virgadamo of Las Vegas. Travis was 19 years old when he took his life.

As our troops rise in the morning, so will we have our debate...
September 21, 2007

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10 and we didn’t drag it, it would be better.

Mr. REID. I would say to my friend, on Tuesdays we don’t come into session until 10 o’clock. There are meetings going on in the Capitol and people can’t stay, but we get the vote for shortly thereafter, 10 after or something like that, but it takes a little while.

Mr. BIDEN. OK. That is not a very senatorial response, but OK.

Mr. McCAIN. Mr. President, could I say I thank Senator LEVIN, Senator REID, and Senator BIDEN. Senator LIEBERMAN and Senator KYL will be discussing their amendment, which is a very important amendment concerning Iraq so that everybody will have a good idea, and they will be discussing it again on Monday—or debating it. I would hope, as the distinguished chairman has said, that we could probably vote on the Kyl-Lieberman amendment very shortly after the vote on the Biden amendment, and we are unable to put that in concrete. There may be a side by side, there may not be.

I wish to remind my colleagues again, if I could, this is the 13th day of debate now, and we have had 79 hours of debate on this bill. The bills for wounded warriors legislation is still waiting, the pay raise, so many other things that are vital to, I believe, the men and women who are serving and the security of this Nation. What I hope—and I know that this is something that I know the chairman is managing this bill would agree—is that once we finish the Iraq issue, we should be able to move through the other amendments rather quickly. We are obviously running out of time. The first of October is upon us. So I hope we can finish the Iraq amendments as quickly as possible and move on to the 100 or so amendments we have on the bill itself. I thank the chairman for all of the cooperation and hard work he has done on this bill.

Mr. LEVIN. Mr. President, I agree with my good friend from Arizona on the need to move forward. We have literally hundreds of amendments we are working on. At some point next week we are going to have to find a way to end this. We have made efforts with unanimous consent proposals to cut off on amendments, but they have been objected to, and then more flood in. We have to get to an end point.

Hence the need to move the Wounded Warriors legislation, there is a separate bill on which I think appointing conferees has been cleared on this side. I am wondering if the Senator from Arizona might check with his side to see whether the appointment of conferees could be expedited. I think it will be part of this bill at the end. It is important that we move this bill for a lot of reasons, including that one.

But we have a fallback. We have a safety valve. We have a Senate take it or leave it bill which we would like to get to conference, and if the ranking member could check on the Republican side and see if we can get the clearance for the appointment of conferees, it may give us some momentum.

Mr. McCAIN. Mr. President, I thank the chairman. I agree. I will make every effort to do that. I am confident that no one on this side would object. It has to be done. By the way, I go, I see the conflict and the continued outrage about the situation that existed at Walter Reed, and the American people are not confident that we have taken the necessary measures to provide for the care of our veterans.

I yield to the Senator from Delaware.

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

Mr. BIDEN. Mr. President, before I send an amendment to the desk, I do not want to in any way disagree with anything that was said but expand on it slightly. There is a Biden-Brownback amendment. Senator BROWNBACK is a major sponsor of this amendment, and I will yield to him in a moment because he is thinking of something.

I will let him go first. I also want to make it clear that Senators BOXER, KERRY, SPECTER, probably HUTCHISON, and others are going to want to speak to this amendment.

I am wondering if the Senator from Arizona who has been a major proponent of this approach for some time.

Mr. BROWNBACK. Yes, I will yield to the Senator from Texas before I speak.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mrs. HUTCHISON. Mr. President, I just ask the Senator. If he will yield briefly, is it possible that I may make a 2-minute statement after Senator BROWNBACK, and then I will come back on Monday as well?

Mr. BIDEN. Possibly. Senator Brownback would let the Senator from Texas proceed for 2 minutes now.

Mr. BROWNBACK. Yes, I will yield to the Senator from Texas before I speak.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mrs. HUTCHISON. Mr. President, thank you. Monday, I will make longer comments. I am a cosponsor of this amendment. I have said for a long time it is my belief that if we could allow the sectors of Iraq to have their own semi-autonomous government, like is now in the northern part with the Kurds—and the southern part is mostly Shia—I think we could really begin to see economic stability, as well as political stability.

Of course, we all know we should have oil revenue that would go to all of the people of Iraq, fairly allocated. But I think we have seen in Bosnia a lessening of tensions. I think that that look at not only the great success we are having, which General Petraeus reported on, we are stabilizing the country on the security side. We are keeping our commitments. We are going to be able to do it with fewer Americans and bring the Iraqi troops forward, but it will not stabilize Iraq. We must have economic and political security. So I thank the chairman, and I thank Senator BROWNBACK. I will speak again Monday. It is the most important sense of the Senate that we can have on this bill. Thank you.

AMENDMENT NO. 2997 TO AMENDMENT NO. 2011

Mr. BIDEN. Mr. President, I call up amendment No. 2997.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SPECTER, Mr. KERRY, Mr. SMITH, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. NICHOLSON, MS. MUKULSKI, and Mrs. LINCOLN, proposes an amendment number 2997.

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

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

The amendment is as follows:

(Purpose: To express the sense of Congress on federalism in Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and international peace and stability, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) Iraqis must reach a comprehensive and sustainable political settlement in order to...
achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq.

(4) The Key Judgments of the January 2007 National Security Strategy included “Prospects for Iraq’s Stability: A Challenging Road Ahead” state, “A number of identifiable developments could help to reverse the current trajectory. They include: Broader Sunni acceptance of the current political structure and federalism to begin to reduce one of the major sources of Iraq’s instability...Significant concessions by Shia and Kurds to create space for Sunni acceptance of federalism.”

(5) Article One of the Constitution of Iraq declares Iraq to be a “single, independent federal state”.

(6) Section Five of the Constitution of Iraq declares that the “federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations” and enumerates the expansion powers of regions and the limited powers of the central government and establishes the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, and commerce.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in the northern provinces of Iraq, the Kurdistan Regional Government.

(9) The Kurdish region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval.

(11) Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraq’s sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, “The crisis is political, and the ones who can stop the cycle of attacks are the illuminati and the illuminating of innocents are the politicians.”

(b) SENSE OF CONGRESS. —It is the sense of Congress that:

(1) the United States should actively support a political settlement among Iraq’s major factions based upon federalism, and for its insight and for its ability to create a federal system of government and allow for the creation of federal regions;

(2) the active support referred to in paragraph (1) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent five members of the United Nations Security Council, and members of the Gulf Cooperation Council, and Iraq’s neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council; and

(B) further calling on Iraq’s neighbors to pledge their support to any such a comprehensive political settlement based upon the creation of federal regions within a united Iraq; and

(C) convening a conference for Iraqis to reach such a comprehensive political settlement based upon the creation of federal regions within a united Iraq;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of political settlement based upon federalism; and

(4) the steps described in paragraphs (1), (2), and (3) could lead to an agreement that is stable, not a haven for terrorists, and not a threat to its neighbors.

Mr. BIDEN. Mr. President, I yield to my friend from Kansas, Senator Brownback.

THE ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague for that, for this resolution and support for the Sunnis. I think it is apt and its timing is right. I urge my colleagues to look at this resolution and support what this is—that we need a political surge, and we need to recognize the demographics on the ground.

This resolution simply calls for the following things: A conference where Iraqis reach a political settlement based on federalism; in effect, an agreement that is not constitutionally recognized federal regions. This doesn’t require a change in the Iraqi Constitution. It is already there. They allow the Kurdish north as a state. This would be allowing other states with a similar situation —

No. 2, it calls on the international community to respect the results of that conference and to support federalism in Iraq, which is a concept we are very familiar with in the United States. I think that is really the key for it to work in Iraq.

No. 3, it calls on the Iraqi Government to resolve the issue of distrib-
Constitution to allow that. That is how the Kurds got their region in the first place. That is a political design that can lead to political stability on the ground so that we can pull our troops back.

This amendment says nothing about the troops. We have debated that a long time—the military side. This is all about the political side where we have failed to see the progress. But it does say, if we can get that political solution, we should push it forward. I submit that on the military side, if we can get some political stability in Iraq, we can start to pull our troops back from patrolling.

Ultimately, I think you are going to see long-term U.S. military bases in the north, probably in the west, and around Baghdad. But they can be bases where we can operate without our people being killed every day. As everybody in this body knows, we are still in South Korea 60 years after that conflict. In Bosnia, 15 years after that conflict. We can stay—and we usually do stay—in a place a long period of time to provide stability, as long as our people are not getting killed. Here is the design where you can stretch a period of time because I believe we will need to stay for a long time—without our men and women being killed. It reflects a demographic reality on the ground and the historic reality on the ground. It also recognizes that Iraq needs to have a strong state, weak federal form of government to reflect the different groups. Iraq, in many respects, is less a country than it is three groups held together by exterior forces. The Turks don’t want the Kurds to be a separate country in the north. The Kurds already voted 90 percent that they want to have a separate country, but they are not pushing it today because they know they cannot do it at this point. So they are willing to stay within this situation.

The Sunnis believe they should run Iraq, but they are less than 20 percent of the population. That is not going to happen. The Shia lack a comfort that they can control the country, but they are certainly dominant in a particular region.

I wish to show an ancient map of this very same situation to give another flavor and context. Of course, under the Ottomans, it was called Meso-potamia during that period of time. Again, here is a three-state solution that the Ottoman Empire put in place as a way of managing these different groups who do not agree with one another, who do not get along.

One can say: When it comes to intermarriage, there is a lot of Sunni-Shia relations that are taking place and have taken place over the years of being together as one country. You are trying to go back rather than go forward.

I wish to show a map of the former Yugoslavia right after Tito left and before some of the civil wars started in Yugoslavia because I think it is instructive. Here is a map of the ethnic composition before the war in 1991. It is an ethnic map that shows where the Croats, the Bosnians, and the Serbs were in this area in 1991. The reason I point this out is, I was in this country in 1991. We went over the week after the Omars voted to secede from the rest of Yugoslavia. I was in a conference with groups from all over the country. I couldn’t tell the difference between the various ethnic groups.

When I couldn’t tell if this person was a Croat or a Serb or a Macedonian, this, that, I couldn’t tell the difference. It made no sense to me. These guys had been in a country together for decades. Why wouldn’t they stay together? They knew the differences. They knew what happened. They knew the history. They had intermarried to where they had different ethnic groups who were married into the same families and spread, and the groups splotted all over the country. There were concentrations in different places, but over a period of, I think, 70 years, under a hard dictatorial rule, under Tito, with a tough military and a tough intelligence apparatus, if someone got out of control, they were dead or in jail—similar to Saddam Hussein in Iraq, who ran roughshod and people intermingled.

Then we started to see political leadership come forward and say: We Serbs are not going to let this group get away. We have you know what they did to us a century ago and you know what they did to us in this war and you know what they did to us 500 years ago, and we shouldn’t be treated that way. We had a leader come up that hit this visceral inside note and started a bunch of wars, to where they sorted themselves out.

This is what happens after you get a group of leaders standing up and saying how they stood it forward and in this way, they shouldn’t treat the Serbs this way. We can see the purity of the map—Bosnians, Serbs, Croats—and by 1995—this is the Dayton peace accord—you can see what takes place after that. That leader touched that visceral note about this is who we are and they shouldn’t treat us that way and there were a bunch of people killed in the process as well.

Finally, there was enough fighting and the killing that the Dayton accords and made the leaders come together. We drew a line, Bosnia-Herzegovina, in the Dayton peace agreement. We still have troops in this area enforcing this accord, but they are not fighting and killing each other. There are still problems that take place. But this was a two-state solution in one country, with the United States pushing a political surge to take place and the United States still having troops there to make sure people do not get out of line.

I went to Sarajevo when it started to stabilize. The place was still shell-shocked about what had taken place. People were still saying: We used to live in peace; what happened here? What happened was somebody pushed the ethnic button and it worked, and it worked in too many places in the world, and it works in Iraq, unfortunately. I wish to show what happened in Baghdad on ethnic splits and the movements taking place in Baghdad. This is a military chart. It is too busy of a chart, and there are some who dispute some of the movements. I am willing to grant them that there may be others with a slightly different factual variation.

Basically, the Tigris River is in the middle. We see the Sunnis moving and purifying west of the Tigris River and the Shia moving and purifying east of the Tigris River. These diagonal lines show communities that are going more Shia and the diagonal lines in the opposite direction are communities going more Sunni, and we see small ethnic groups, small Christian populations, for example, and some smaller, tighter communities or going north into the Kurdish region of the country.

This is happening now. This is what is happening now. We have heard about the death squads, threats, and families forced to move out of Bagh-
dad. When a number of leaders push the ethnic sectarian button, it hits this inside visceral note. It is a strange concept to us as Americans. They come from everywhere, and we say: Can’t you get along? Believe me, this is a reality in the world, and it is a big reality in Iraq, particularly in a place that is more three groups than it is one country.

I wish to give a caveat. The New York Times on Monday questioned the purity of this information, saying there are some Shia moving into Sunni areas and there are some Sunni moving into Shia areas, and I am willing to give that taking place. These are the movements that are happening, and I don’t think there is any question about it.

There has been a lot of death, killing with this taking place. It is the same with Bosnia-Herzegovina. What I am saying is rather than having a whole bunch of people get killed from this point forward, why don’t we recognize the demographic realities on the ground and put this in a series of states where the ethnic group is running it, rather than certainly reduce it substantially. This is what this amendment calls for.

I wish to show my colleagues some of the maps of current Iraq, to give an idea. I have shown the Ottoman Empire maps. This is modern Iraq, as far as the populations are going. We have the Sunni Kurds in the north. Again, this is the most stable, growing area. When I was there, there were cranes and building and investment taking place. It is moving forward. We have the Shia in the area in the south. There are areas of Sunni Arab and Shia Arab. There is a mix of Shia-Sunnis with Baghdad in the
center. Again, we have three blocs who have pretty much split up. This is modern Iraq.

This is not a perfect solution by any means. As an American, I look at it as a subpar solution altogether because I think it does not reflect the realities on the ground. The problem is, too—think about Ambassador Crocker's testimony, think about the GAO report on political progress and the benchmarks that the Congress set.

Think about those because militarily—I think "militarily" we have done a great job and that is where all the focus is. But politically we are not getting it done because we are trying to put a square peg in a round hole. It doesn't work. We can push a long time on it and we can get some artificial settlement in Sudan today, and we can enforce it with our military power, but as soon as we pull back, then we are going to have the same problems taking place in the region. This amendment recognizes we should put a round peg in a round hole, and it is something we can do.

There was a gentleman who said something to me years ago that stuck with me: If you see a straight-line border in the Middle East or Africa, you ought to raise a question as to whether it reflects demographic reality.

In the past, when different groups went into a region, whether the Ottomans, the British, the French, or others, they were trying to balance interests. They were trying to balance Hutus versus Tutsis. They were trying to balance previously the Armenians and Azerbaijanis. So they were always trying to get a balance of power because they didn't have enough troops to maintain the country, but by herding these guys off center and not after each other, they could maintain the country.

When you pull the colonial power off or when you pull the dictator off who is ruthlesslessness, who is willing to use military and to use his intelligence operation to kill people, when you pull that off, what are you left with? You are left with these same groups, and they still don't like each other. That is why we have to look at it this way.

Last Friday, I can give another example: The north Arab Muslims with a radicalized government started by Osama bin Laden. The south is Black, primarily Christian—long conflict, 20 years of civil war, millions killed. Finally, the Bush administration, to their credit, was able to negotiate a Sudan peace agreement, and the southern Sudanese will vote whether to secede. I believe they will in large numbers. It will pass big, and there will be a second Sudan.

We now have a second genocide in Darfur. I have been to many of these places. I have worked with many of these people. The west is Black Muslim. The capital is Arab Muslim. They don't get along. One is a group of herdsmen and another is a group of farmers—farmers and ranchers not getting along. I think we are going to see ultimately that Darfur will break away. The problem is, Sudan is tense in Africa landmasswise, but when the Brits put it together, they put several groups together who don't agree with each other and don't get along and the Government favors one. They favor the Germans over the Egyptians. The British support the Arab Muslims. They are trying to drive the farmers off the land, and they are in their second genocide, with 400,000 people killed, because somebody, again, hit the ethnic-sectarian button, and it is very effective. One can motivate a lot of people by hitting that button.

Why do we have to kill all the people to get to a political solution? Why do so many people have to die? It is past time—the military discussion has been a good discussion, but it is time for us to look at the political situation in Iraq and get on a model that can actually produce long-term stability so we can pull our military back into bases. We are going to need to be there for a good while. This resolution does nothing on the military side, but I think we are going to need to be there for some period of time. We need to be in the north to assure the Turks that the Kurds are not going to try to separate the country, and I think we need to be there to protect the Kurds from Iran, and somewhat from the Turks, and the Sunnis will ask us for a long-term military presence in the west to protect them from the Shia. I think the Saudis are going to push for that to take place.

Again, Iraq is a lot more three groups held together by exterior forces than it is a country. But that is the reality. The Shia area has to sort out who is going to be the leaders in that country, and that can pose problems. It may be more than three states. It may be a couple of Shia states will evolve. We shouldn't stop that from taking place if that is the natural reality.

We can fight against these things in nature or we can recognize them and try to build political systems around them. This resolution urges us to build the political solutions around them.

Again, the political surge, led by Jim Baker, Dr. Rice—it cut the deal, get us into a political solution that can produce the benchmarks we want so we can pull our troops back and stop getting killed.

I urge my colleagues to look at this amendment. I urge my colleagues to look at the history of what we are dealing with. There are many papers that have been written on this issue. O'Hanlon is one of the lead authors on it who got back recently. This is something that can make progress and move us forward.

I yield the floor and suggest the absence of a quorum.
issues but we look at this one together and we say: This is something which can work. We did that with Senator Wellstone on human trafficking. We were as different as could be on different issues, but we got that one done, and today there are fewer people being trafficked.

This is something which can work, and I appreciate my colleague for leading on it, and I really hope the rest of the body can look at this and say: This is what we need to do to make sure people don’t get lost in the process. This is politically, and let’s get this moving forward. I am delighted at the Senator’s leadership on it.

Mr. BIDEN. Mr. President, I thank my colleague.

Mr. President, I ask unanimous consent that following my remarks, Senator Lugar be recognized for up to 30 minutes and that Senator Kennedy then be recognized to speak as in morning business.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. BIDEN, Mr. President, to alert my colleagues, I will take some time between 20 and 30 minutes to speak on this issue this morning, and I will speak on it again prior to our finally voting on it on Tuesday.

Look, as I said, I have been a Senator since I was 29 years old. I have been here for seven Presidents, and I have observed that sometimes, on issues relating to national crises, whether it be domestic or foreign, events conspire to generate the kind of support for an idea that, when it was first offered had few adherents. I think we are approaching that now.

The amendment Senators Brownback, Boxer, Specter, Kerry, and I, as well as Senator Hutchison and others have says that U.S. policy should support a political settlement in Iraq based on the principles of federalism. Look, for all the division in Washington and across the country over the policy in Iraq, one thing just about everyone accepts, literally; at the time I think it was 3 years ago—he said, and I am paraphrasing—where every foreign country saw the liberation where it becomes an occupation, There comes a point in every liberation effort where it becomes an occupation. And we have reached that point. We reached that point 3 years ago. I argue we reached that point when we went in.

We had one brief, brief moment where, having mistakenly moved when we did, in my view, had we acted more responsibly instead of out of the arrogance and hubris that existed, we might, we might have been able to change the dynamic drastically. But that has long passed. That has long passed. I guess the point I want to make, again, and the end result of all I am saying here is you will not find a single person who thinks that a military solution will work alone. So what we are all about here today is what everybody says: OK, there has to be a political solution, but literally, I say to you, Mr. President, up to this moment no one on the floor of the Senate has offered a political solution. I mean, it is really fundamental. There is nobody who has said: We all acknowledge there is no military solution to the way, I am not claiming I am the only one. I have many cosponsors. We have a lot of people now saying: OK, we acknowledge there is a need for a political solution, embedded in the notion I have been pushing for a couple of years now and in detail for the last year and a half or so with Les Gelb.

I have to recognize Les Gelb, a former administration official in a Democratic administration, in the Carter administration, the president emeritus of the New York Council on Foreign Relations, an incredibly respected voice in American foreign policy, and thought of as a genuine scholar. Les and I started off not in full agreement of what that political solution was, but we were all on the same page. The end result of all this is that the underlying premise of Les Gelb and Joe Biden in generating this was that the political solution we are proposing, which is what the Iraqi Constitution essentially calls for—and it is not partition—is federalism.

Well, guess what. It is not going to happen spontaneously. The Iraqis aren’t going to spontaneously decide in the midst of what is now a civil war and sectarian strife that they know how to do it on their own.

So getting back to the political question, everyone says there is a need for a political solution. But that begs the question, So what is your political solution?

The critics, and there is legitimate criticism of the Biden-Gelb plan, but the critics have come along and said: I don’t like your plan, Biden. My response has been from the outset: If you don’t like mine, what is yours? Think about it. Think about, as you consider whether the Biden-Brownback plan, which is essentially taking Biden-Gelb and putting it into an amendment to the Defense authorization—think about what it says. We say this is our political solution. This is what we think is the way out.

So as I began this debate, my invitation to my colleagues was: I get it. You may not like all parts of it. You may not like it. You may think it is mostly correct. You may be able to legitimately point out there are weaknesses in it; things may or may not happen. I can’t guarantee an outcome to this. But I would like you to think about it. If you don’t like Biden’s proposal, what is your idea?

Up to now, a lot of us have had what we voted on just a moment ago. It started off as the Biden-Hagel-Levin amendment back in January and February. I agree with it totally. It is now Levin-Biden. I think this amendment. It is essentially the same one we voted on twice before. I was the author of it, along with my friend from Michigan, the leader of the Armed Services Committee. But the truth is, it is not a political solution. It is an important tactic to reach the point we all want to reach.

And what is that? When you cut through all of this, what is it the American people, what is it my colleagues, all 100 of us, want? No one wants to keep American forces there, with almost 3,800 dead, close to 28,000 wounded, roughly 14,000 severely wounded and who are going to require medical attention and care the rest of their lives. No one in here wants that. If we could wave a magic wand, there is not a single Member, from the most conservative to the most liberal in this body, who wouldn’t take every troop out if they could, tomorrow. We don’t want our kids going. I don’t want my son going, my daughter going. I don’t want my grandkids going.

What is recognized underneath all of this is there is a clear understanding that even though most of us on this side of the aisle opposed what the President did and how he did it, there is a recognition that it matters what we leave behind. It matters a whole bunch. It matters for our grandchildren. It matters for our children.

Look, folks, there is an overwhelming desire. I live with a woman I adore. We have been married for 30 years. She is unalterably opposed to this war. She, like every mother, lives in fear that her son, who is a captain in the Army, is going to be sent over, which is probable. So her fervent wish every time I go home is: Joe, get them out of there. Get them out of there. I am chairman of the Foreign Relations Committee; get them out of there. Well, the truth is, the vast majority of the people know that getting
out of this is almost as difficult as the problems the President caused by getting us into it.

I know I am speaking colloquially here. I am not speaking in senatorial tones. But this is basic stuff.

My staff members sitting to my left—and I admire the devil out of them—have accompanied me on eight trips to Iraq. The last time coming home, we were all supposed to get on an air force one of the ones a C-130 that was supposed to take us home. Ambassador Crocker asked whether I would fly to Germany with him on his way home. He was coming to testify. He thought it would give us a chance to talk, and so I did. Actually, I flew out of Iraq into Kuwait with him to catch a commercial flight. The C-130 cargo plane I was supposed to get on—we got word there were six fallen angels on that plane. Six fallen angels.

That is what these tough, courageous, brave, hard Marines, Army, Navy, some of whom are there, et cetera, Air Force, call a dead American soldier whose body is coming home. They bring those coffins in hushed tones, to treat every one of them with the reverence it deserves. The American people would be stunned. They would be proud. They would be sad and they would be concerned. So they put six fallen angels on a plane.

The President of the United States a couple of days later—and I was there 2 weeks ago—a week ago—went on television and told the American people what great military progress we are making. But what he said was: I have no plan for the war. I have no plan to win this war. I have a plan, as one of the press people said—it is not my line—he said: The American people are using the American forces as a cork in the bottle to keep the venom from spreading out beyond the borders in a regional war.

I am not prepared to use my son and his generation as a cork in a bottle. The American people are not prepared to do that either.

So what do we do? What do we do? Do we cut off funding? Talk about a hollow reed. How do you do that? How do you cut off funding for the 166,000 troops? Even if we ordered everyone home tomorrow, they have to get out of that country. Do you not provide them with the mine-resistant vehicles that can increase their life expectancy, when hit with a roadside bomb, by 80 percent? Do you not provide them with that? Do we cut that off? I don’t know how you do that.

Some things are worth losing elections over. I am not going to do that. So what do you do? Do you draw down troops on an orderly basis while you are protecting them? Yes. But where does that get you at the end of the day? The good news is they are out. There are fewer fallen angels. But the bad news is they will fall in the next 10 years or 15 years, if this war metastasizes into the region. Because, ironically, the President’s policy, which is dead wrong, has one truism about it: Chaos in Iraq will have regional consequences. The problem, it is his policy that is causing the chaos.

Getting back to the point of the amendment, so everybody understands the context in which this is being offered, it is being offered to say: Look, there is a way to do all of this. There is a way to reduce the number of fallen angels. There is a way to reduce the injuries and casualties. There is a way to reduce the number of deaths among the Iraqis. There is a way to keep this war from metastasizing. There is a way that we can leave, to leave and not run the risk of having to send my grandson back. My grandson is a toddler.

We have been faced in this body with two false arguments. One is more of the same stuff—there are fallen angels, and the other is leave and hope for the best.

Again, I get back to the central premise to what I have been proposing. There is a need for a political rationale. What is the political rationale supposed to accomplish? I think there is nothing going to get better. We must leave, by the way. Come hell or high water, we must leave. But are we going to leave giving the Iraqis a chance that they can end up with a political agreement among themselves? For what purpose is the political agreement? To stop the civil war. That is it in a nutshell. Anybody who denies this is a sectarian war I think is denying reality.

The President—as my mother would say, God love him—keeps talking about al-Qaida. Al-Qaida is a problem. I would argue it is a Bush-fulfilling prophecy, al-Qaida in Iraq. But there is even in the military—as my good friend and my friend from Virginia—as he points out, he knows when you go to Iraq, the military refers to al-Qaida of Mesopotamia; al-Qaida in Iraq. They are making a distinction by that, between al-Qaida in Iraq and al-Qaida in Afghanistan. As I was sitting in the Senate, I was told by the Senator who now is a member of the Senate Armed Services Committee. I was telling him, my friend, that if al-Qaida is a problem, then you should talk about it in terms of how it is going to accomplish its objectives, in terms of political agreement, in terms of economic growth, and in terms of political reconciliation or do you have to reach a point that I have reached, and reached some time ago, of recognizing that is a bridge too far. The only way in which you will be able to stop the warring factions from killing each other is essentially giving them some breathing room under their federal Constitution which says—I am quoting from their Constitution—The Republic of Iraq is a single, independent, federal state.

What I look back to, I say to my friend from Virginia, is this can’t be
built up from the village up. I acknowledge the requirement that the leaders of the Sunnis and the Shia and the Kurds—and there are multiple claimants to that leadership; I know my friend knows that—those claimants have to conclude their self-interest is better realized in a federal system. The Kurds have clearly recognized that. The Kurds made it clear when Senator Hagel and I got smuggled into Irbil, back before the war began, that they weren’t in on any deal that wasn’t a federal deal. And getting them pretty significant autonomy.

The Shia have now reached that conclusion themselves, with notable exceptions—Sadr being one of them. But, for example, the Vice President—the Shia Vice President of the, for lack of a phrase I will call the central government the existing government—is totally supportive of what I am proposing and he said so publicly and said so at this conference in Ramadi which I attended a week ago.

The Sunnis up to now have been the odd folks out because they look at it, as my friend clearly knows, and they say: Look, we live in this place called Anbar Province, the majority of us. We don’t have much out here but rock and shale. There is not much else out here. All the oil is in the north and all the oil is in the south and if you have regional governments and the oil is controlled by the north and the south, we don’t get anything.

But there is what has happened. There is a bit of, as we Catholics say, an epiphany occurring. I will tell my friend in confidence who it is but I don’t want to publicly—he is an Iraqi leader who is one of the leading Sunni leaders in the country, who used the following quote with me in the 4 hours we were together in Ramadi.

He said—I am paraphrasing the first part—I initially disagreed with your plan. Now I am quoting.

There has been a struggle I have had between my heart and my head. My heart has told me up to now that we Sunnis could play a major role in governing this country again, from the center. My head tells me that will not happen anytime soon and our fate lies in a regional system. But we need access to resources.

He said:

But don’t quote me yet, Senator, because I have to work on my fellow tribal leaders out here, and others.

Look what is happening with the Turks. The Turks initially were absolutely opposed to this. But as they have begun to figure it out, they realize that if we continue on the path we are on, it is a suicide without. Getting the cork in the bottle is not going to be sustained for the next 2 years and that when we leave, absent a political settlement, there will be not a splitting of Iraq into three parts, there will be a fracturing of Iraq into multiple parts. But they figure out, because Kurdistan will become a de facto independent country. They will be able to say in Kurdistan: Hey, we didn’t do this. There was nobody to deal with. And they have all of a sudden begun to understand that it is bad enough, from the Turkish standpoint to have a quasi-independent—and it is not even that—region called Kurdistan, within defined borders. I am a country called Iraq. It is a very different thing to have a quasi-independent Kurdistan, when you have 4 million Kurds sitting in their eastern mountains.

So all of a sudden they are figuring out this: ‘‘Fiquing out’’ sounds derogatory, but it is that way. They are looking at their alternatives and saying: OK, a federal system in an Iraq that is united is a whole lot better than a de facto independent state.

The Iranians. The Iranians have a dilemma. The Iranians have at least five major militia forces among the Shia of Iraq. Some they like, some they do not like. As my friend from Indiana knows, you have a group down around Basra, as the British are pulling out, who are organized pretty well. As the British two-star said to me: They are like Mafia dons waiting for us to leave to see who claims the territory—who actually argued that Basra should be an independent country before the collapse of the Gulf, we are talking about a large region with they have oil, and they have four provinces they can put together.

Well, guess what. That is not very well regarded by the Badr Brigade, folks, and Sadr is going: Whoa, whoa, wait a minute.

So this creates a dilemma. The splintering of Iraq creates a dilemma for even the Iranians who do not want to do us any favors at all. The generic point I am making is, as time has passed, and I will use Bosnia as an example, when we first started off talking about what, in essence, became of the Dayton Peace Accords, you did not have any takers. And it only got to the point where you had the Croats and the Serbs coming together they could not dominate. They could not control Bosnia- Herzegovina.

That is when they all began to think, you know, the blood and treasure that was—exceedingly what has happened, once they got to the point where they realized the gun was not going to get their solution, they became, very reluctantly, but they became much more acclimated to the notion of what the Dayton Peace Accords did.

The bottom line is, asking me that question a year ago, I would not have said to you that internally the leaders among the Shia, the Kurds, and the Sunnis will be more inclined to accept this, but they are because reality has set in. The Kurds have figured out they cannot do and do not want to be totally independent because the Turks will take them out.

The Shia have figured out, generally, the leadership, that they may have 62 percent of the population or whatever, and they control the political apparatus, but they cannot stop their mosques from being blown up. They cannot physically control the country.

And the Sunnis have figured out that they are not going to run the country again in the near term. So it is a little bit like coming face to face with the reality of one circumstance.

As I said at the outset to my friend, a lot of this relates to people arriving at this conclusion, even in Iraq, by default. The Sunnis would much rather dominate the country again. The Shia would much rather keep the Sunnis out, as Maliki in his heart would like to do, but he cannot because he cannot control his own people.

The Kurds would love to be independent totally but for the fact that they understand it may be their very demise. So reality is sinking in. The larger point, I say to my friend from Virginia is this: The dilemma I hear, and I hear it from my Democratic colleagues, I imagine I will hear it from some of my Republican colleagues, and it is legitimate. They say: Biden, we cannot force a political solution anywhere more than we can force a military solution.

Well, I would argue that it is true we have lost our credibility to be able to do what I believe we could have done 5 years ago or 4 years ago. But that is beside the point. This is about internationalizing the political solution.

I know my friend from Indiana believes, whether it is the same objective, that there is an overwhelming need to engage regional powers so that, as he says, there are forces; every single day they are sitting down rubbing shoulders trying to figure out an accommodation.

It cannot be done in the abstract. It cannot be done by President Lugar sitting in the White House dealing with Maliki sitting in Baghdad. It cannot be done by bringing in the regional players in the world, to engage regional powers so that, as he says, there are forces; every single day they are sitting down rubbing shoulders trying to figure out an accommodation.

What does that do? That not only has implied sticks, it has significant carrots.

Significant carrots. That organizational structure can say: We, from the outset, will be the guarantors that non-Sunni regional powers will conclude they must be involved militarily or in a disruptive fashion because the truth is, what I try to do is think of myself as, OK, I am a real bad guy, Iraqi leader who hates the United States.

What benefits me the most? What benefits me the most is occupying 10 of our 12 divisions in Iraq posing no
Mr. WARNER. If I can interrupt my good friend, the central issue is, we are losing, as you pointed out, our greatest national treasure: our youth, killed and wounded. How much longer? You are talking about indefinite periods of time. What do we do now by which to give a motivation to them while this process that you indicated is very slow can evolve, and what pressures are we going to put on the greater international community, the top five? Do what you have defined? Mr. BIDEN, my friend: Ask. Let me give you an example. I will be concrete. It is like pushing an open door. I asked for a meeting, I say to my friend, in the tradition of Senator LUGAR when he was chairman of the Foreign Relations Committee, I asked for a meeting, a private meeting with the Permanent Five of the Security Council, who, as my good friend knows, is: China, Russia, England, France, and the United States. All five Ambassadors, including our own, Khalilzad, agreed to meet with me and two other members of the Foreign Relations Committee privately 5 weeks ago—on Monday I think it was 5 weeks ago. We sat in a conference room on the East River for about an hour and a half. I asked the question to all five, including our Ambassador. I said: What would you do, gentlemen—one lady: the British Ambassador is a woman, I am a gentleman? What would you, and lady, if the President of the United States asked each of your countries to participate in convening an international conference on Iraq? One of the Ambassadors, since this was a private meeting I will not name him—said: Senator, I would ask your President: What took you so long to ask? Then I can refer to the French Ambassador. The French Ambassador pointed out there is an inevitability of us leaving. And if, in fact, we leave a shattered Iraq, his country is in trouble. Remember, last August we were reading about automobiles being torched from Marseilles to Normandy, Why? Over head scarves. Between 10 and 14 percent of the French population is Muslim. The last thing the French need is a radicalized, cannibalized Iraq. It went on from there. My point is, the President—I promise you, I will not go by regions. What would you do, go gentle or hard? I think my friend from Indiana knows, at least indirectly—because Ambassador Khalilzad, I believe, spoke to him; he was there with me—there is a consensus among many in the administration to ask, but there is still this overwhelming reluctance that we don't need anybody's help; we can do it. Let me tell you, that is a vanity which is a burden, a significant burden.

There are three things we should be doing immediately. And I know we have a disagreement on this, in my view, redefining the mission of Americans who are there being killed and wounded. We are not going to settle this civil war by remaining on the faultlines. It is not going to happen. Even to totally quell it, you know—as a military expert, I defer to you—we don't have enough troops with the surge. If you have 500,000 troops, you can hold on the faultlines. It wouldn't solve the problem, but you would send it underground. But we don't. We wouldn't even advise it if we did because there is no underlying political rationale. My point is, redefine the mission. Were I President today, which is a presumptuous thing to say, I would be doing exactly what General Jones recommended. I would be pulling back to the borders. I would be dealing with force protection. I would be focusing on al-Qaida of Mesopotamia. I would be focusing on training Iraqi forces. I would not be focused on going door to door in Sunni or Shia neighborhoods in a city of 6.2 million people. I would not have an American convoy traveling the streets with roadside bombs being blown up.

The second thing we need to do, but it is not required to support this amendment, there is an incentive to the world, to the region, and to the remaining coalition leaders to Baghdad to say: Hey guys, we are drawing down. For the mission I just stated—and I defer to my friend—you don't need 160,000 troops for the Jones mission, for lack of a better way of phrasing. You need maybe 50,000 to 60,000. Mr. BIDEN has not asked. He has not asked. Mr. BIDEN, my friend: Ask. We are losing, our greatest national treasure: our youth, killed and wounded. How much longer? You are talking about indefinite periods of time. What do we do now by which to give a motivation to them while this process that you indicated is very slow can evolve, and what pressures are we going to put on the greater international community, the top five? Do what you have defined? Why? Let me give you an example. I will be concrete. It is like pushing an open door. I asked for a meeting, I say to my friend, in the tradition of Senator LUGAR when he was chairman of the Foreign Relations Committee, I asked for a meeting, a private meeting with the Permanent Five of the Security Council, who, as my good friend knows, is: China, Russia, England, France, and the United States. All five of those Ambassadors, including our own, Khalilzad, agreed to meet with me and two other members of the Foreign Relations Committee privately 5 weeks ago—on Monday I think it was 5 weeks ago. We sat in a conference room on the East River for about an hour and a half. I asked the question to all five, including our Ambassador. I said: What would you do, gentlemen—one lady: the British Ambassador is a woman, I am a gentleman? What would you, and lady, if the President of the United States asked each of your countries to participate in convening an international conference on Iraq? One of the Ambassadors, since this was a private meeting I will not name him—said: Senator, I would ask your President: What took you so long to ask?

Then I can refer to the French Ambassador. The French Ambassador pointed out there is an inevitability of us leaving. And if, in fact, we leave a shattered Iraq, his country is in trouble. Remember, last August we were reading about automobiles being torched from Marseilles to Normandy, Why? Over head scarves. Between 10 and 14 percent of the French population is Muslim. The last thing the French need is a radicalized, cannibalized Iraq. It went on from there. My point is, the President—I promise you, I will not go by regions. What would you do, go gentle or hard? I think my friend from Indiana knows, at least indirectly—because Ambassador Khalilzad, I believe, spoke to him; he was there with me—there is a consensus among many in the administration to ask, but there is still this overwhelming reluctance that we don't need anybody's help; we can do it. Let me tell you, that is a vanity which is a burden, a significant burden.

There are three things we should be doing immediately. And I know we have a disagreement on this, in my view, redefining the mission of Americans who are there being killed and wounded. We are not going to settle
who wanted to be cops or police. Why? Because Sunnis were going to be guarding Sunnis.

So this stuff about political movement is a joke. Not a joke—that is the wrong way to say it. It is a fiction. There’s nothing about that.

I sat next to Abdul Sattar for 2 hours, the guy who got blown up last Thursday, the tribal sheikh who led the insurrection against al-Qaida Mesopotamia, now safe everywhere was in Ramadi. They land me and my staff and the Senator from Arkansas in a Blackhawk helicopter with two Cobra gunships. We go inside the city. We are told how safe it is. I can walk down the street; that is true. We have a sandstorm. I say: No helicopters coming. Can you drive to Baghdad? No, no, no. It ain’t that safe. Then 7 days later I get a call from a reporter from the Washington Post: Senator, didn’t you spend any time with the tribal chief the President was with at the airbase? I said: Yes. In this safe city that he runs, with an American tank sitting in front of his house, with bodyguards, he got blown to smithereens.

Then I am making clear that the idea is somehow we are going to be able to negotiate these faultlines is beyond our ability. But it is possible, working with Sunni, Shia, Kurd, we may be able to augment their physical security as they make this transition.

What did we do in Dayton? It is not precisely analogous, but it is analogous. There was more sectarian violence from Vlad the Impaler to Milosevic than in 900 years of history of what we now call Iraq. That is a fact. That is a historical fact. What did we do? As my friend from Indiana knows, I was deeply involved in pressuring President Clinton from 1995 on to take action in the Balkans. What did we finally do in Dayton in a bipartisan way? We called in, Russia, the European powers. We then brought in the Serbs, Milosevic, the Croats, Tudjman—who, as my friend knows, was so much of chocolate and Izetbegovic. We got them all in one room. We essentially locked the door.

We said: Figure it out, folks.

What did they figure out? Separate the parties. Even I was a little concerned about the Republika Srpska within Bosnia. What did we do? We said: Your milita can now become your police force. That is, in essence, what we did. We said to the Croats and the Serbs, the Muslims, to the Muslims, you have to coexist in this other place. This place called Sarajevo is going to be a capital city, but it ain’t going to govern the whole country in the way in which the capital of Washington, DC, has is going to govern the rest of America. You have to coexist in this other place. Guess what. To truncate this, the West has had an average of roughly 20,000 troops there for 10 years. What has been the result? Knock on wood—not one has been killed, not one has been shot. The ethnic cleansing has stopped. What are they doing now? Attempting to amend their Constitution to become part of Europe.

I asked my staff to go back. I said: Tell me how the repatriation is going on. People are returning. Of the 2.2 million refugees in Bosnia, internal or external, 1.1 million have returned to their homes. Almost half a million have returned as minority returns, Serbs returning. In the predominantly Croat neighborhoods, Croats moving back into predominantly Bosniak or Serb neighborhoods. It is painful. It takes time. But what did we do? We got them all in a room, figuratively speaking.

We have to get them in a room. Senator LUGAR. We have to get them in a room. Because let me tell you something, some in the administration privately say to me: Joe, you are right. There is an inevitability to a federal system. The difference between an inevitability and us being the catalyst to bring it about may be years. That is thousands of deaths, maybe tens of thousands, counting Iraqis and Americans. We don’t have that time. And look, I don’t want to criticize the President. I don’t. God love him, I don’t care whether he gets credit or blame at this point. But let me tell you one thing for certain; What Presidential leadership is about today is change in the dynamic of situations that are admittedly out of control. It requires taking risks. Thus far, the only risk we have taken is the lives of our troops. We have taken virtually no diplomatic risks.

I say to my friends, there is a reason why, although what I am proposing here is not ideal, I think there is a reason why so many people—left, right and center—have come to this conclusion. One thing about us Americans is, we have ultimately led the world as a consequence of two traits we possess, in my opinion, that exceed that of any other country. It is not just our military power; it is our idealism coupled with our pragmatism. It gets down to a basic syllogism: the basic premise is what? There is no military solution; only a political solution.

So what yields that political solution? Can I guarantee the Senator from Minnesota, the President, that my solution will work? No. But I can guarantee—I will rest my career on what I am about to say—that there is no other political solution being proposed that has any—period; not one.“Being offered”—and none of the tactical solutions offered will, in fact, solve this problem, none. I know you are all afraid. I know everybody who is running is afraid to sign onto a specific proposal. “Afraid” is the wrong word. I use because then you become the target. You become the target. You offer a specific alternative, and it is easy to focus on whether your solution can work. It is tried and failed, then you made a mistake. As the old saying goes: What do they pay us the big bucks for? Why are we here? Why are we here?

Let’s stop pussyfooting around. Either vote for this political solution or offer another one or say you think there is a military solution and you think it is totally hopeless, there is no resolution. Let’s leave and hope for the best. But don’t tell me you have a plan if it does not fall in one of those four categories. Don’t tell me. That is disingenuous.

So let me say, can I guarantee this will work? No. Every single day that goes by, absent an attempt to implement what I am proposing, or something similar to it, without it being attempted makes it harder. Look, it is not, after all, that Thomas Friedman, David Brooks, Charles Krauthammer, Henry Kissinger, Madeleine Albright, Les Gelb—I will go down the list—
agree on the same principle about the most fundamental, immediate foreign policy issue facing the United States of America.

I am open—I have no pride of authorship—I am open to amending, tweaking, changing, but I will end where I began. The fundamental, unifying principle of this concurrent resolution is: Iraq will not be governed from the center anytime soon, and I am not prepared for my son and his generation to continue to shed their blood in an effort to do that. I will not do that.

As we leave—and we will leave, as my friend from Virginia knows—as we leave, the only honest question that any President or Senator must ask himself or herself is: Do we have any ability to affect what we leave behind?

If we do, we have a moral overriding, overarching obligation to the next generation to try to do it.

Because let me tell you something, I am old enough, as the old saying goes, on the trail. The easiest thing to say is: I wash my hands, man. Out. It is—let me choose my words correctly—it is not an answer. It is not an answer. It is not an honest answer.

So I ask unanimous consent that recent supporting ideas relating to federalism—whether or not they use the Biden language—be printed in the RECORD.

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

**RECENT SUPPORT FOR FEDERALISM IN IRAQ**

The Kurdish autonomous zone should be our model for Iraq. Does George Bush or Condoleezza Rice have a better idea? Do they have any idea? Right now, we're surging aimlessly. Iraq's only hope is radical federalism—with Sunnis, Shites and Kurds each running their own affairs, and Baghdad serving as an ATM, dispensing cash for all. The greater the federalism, the more we'll leave, the only honest question that you have shared with us this morning, I think it is a constructive contribution to this debate.

Mr. BIDEN. Madam President, I thank my friend and I appreciate his kind remarks.

Mr. President, I also ask unamnous consent that the article in Thursday's Washington Post, dated September 20, by David Ignatius, entitled "Shaky Allies in Anbar" be printed in the RECORD.

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

**SHAKY ALLIES IN ANBAR**

(By David Ignatius)

The Bush administration has been so enthusiastic in touting its relationship with Sunni tribal leaders in Anbar province that it's easy to overlook two basic questions: Why did it take so long to reach an accommodation with the Sunnis? And is Anbar really a good model for stabilizing the rest of Iraq?

First, the what-took-so-long issue: The fact is, Sunni tribal leaders have been queuing up for four years to try to make the kind of alliances that have finally taken root in Anbar. For most of that time, these overtures were rebuffed by U.S. officials, who, not inaccurately, regarded the Sunnis as local warlords.

This disdain for potential allies was a mistake, but so is the recent saccharoating of the tribal leaders. They are tough Bedouin chiefs, sometimes little more than smugglers and gangsters. The United States should make tactical alliances with them, but we shouldn't have stars in our eyes. The tendency to overidealize our allies has been a consistent mistake.

Like other journalists who follow Iraq, I began talking with Sunni tribal leaders in 2003. Most of the meetings were in Amman, Jordan, arranged with help from former Jordanian government officials who had perfected the art of paying the sheiks. One contact was a member of the Kharbit clan, which had long maintained friendly (albeit secret) relations with the Jordanians and the Americans. The Kharbits were eager for an alliance, even after a U.S. bombing raid killed one of their leaders in June 2003. But U.S. officials were dislaffin.

During a visit to Fallujah in September 2003, I met an aging leader of the Bu Isa tribe named Sheikh Khalid. He wants secret American payoffs—they would get him killed, he said. He wanted money to rebuild schools and roads and to provide jobs for members of his tribe. U.S. officials made fitful efforts to help but nothing serious enough to check the insurgency in Fallujah. Back then, you recall, the Bush administration was playing down any talk of an insurgency.

A Sunni tribal leader who pushed bravely for understanding with the local militia, Raed al-Gaabid, a leader of one of the branches of the Dulaim tribe. Looking back through my notes, I can reconstruct a series of his efforts that were mishandled by senior U.S. officials: In August 2004, he helped arrange a meeting in Amman between Marine commanders from Anbar and tribal leaders who wanted to use local militias. Senior U.S. officials learned of the unauthorized dialogue and shut it down.

Gaagid tried again in November 2004, organizing a tribal summit with the blessing of the Jordanian government. Again, the official U.S. response was chilly; the U.S. military launched its second assault on Fallujah that month. It had to be canceled. In the spring of 2005, the tireless Gaagid began framing plans for what he
But we are here in an intra-Shiite battle we barely understood. We didn’t confuse these tactical alliances with nation-building. Over time, they gave a green light for its Badr Organization as the Supreme Islamic Iraqi Council and with the Shiite political organization known as the Islamic Iraqi Council. The vicious cycle began. The tragedy is that it didn’t stop. More warlords. But Green Zone officials in Baghdad who derided it as ‘national security’—tough guys who have guns and know how to use them—began standing up to the al-Qaeda thugs who were marrying their women and blocking their smuggling routes. The American response in mid-2006 was simply ho-hum. Most American and British officials began to realize this was the real deal, and a virtuous cycle began. The tragedy is that it could have happened much earlier.

The American plan now, apparently, is to extend the Anbar model and create ‘bottom-up’ solutions throughout Iraq. For example, I’m told that U.S. commanders met recently with the tribal organization known as the Supreme Iraqi Council and gave a green light for its Badr Organization to control security in Najaf and some parts of Southern Iraq. This, in turn, could check the power of Moqtada al-Sadr’s Mahdi Army. We’re interposing ourselves here in an intra-Shiite battle we barely understood.

These local deals may make sense as short-term methods for stabilizing the country. But we shouldn’t confuse these tactical alliances with nation-building. Over time, they will break Iraq apart rather than pull it together. Work with tribal and militia leaders, but don’t forget who they are.

Mr. BIDEN. Madam President, I yield the floor and thank my colleagues.

Mrs. FRINKSTEIN. Madam President, expectations were high on Capitol Hill and the rest of the Nation this month.

We were all hoping to hear a major new strategy on how to forge political accommodations in Iraq from the political action on an oil law, constitutional reform, and de-Baathification. The purpose of the surge was meant to give politicians the breathing space needed to make the tough choices necessary to forge a stable government.

Yet, according to independent analysts, there has been some progress in meeting the key benchmarks. The Iraqi Government has met only 3 of 18 benchmarks—not including major political action on an oil law, constitutional reform, and de-Baathification. The surge is not an end in itself. It is not a strategy. It is a tactic to achieve a purpose.

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will see any significant political progress on the part of the Iraqi government in the coming months.

Even Ambassador Crocker showed deep pessimism that meeting these benchmarks and achieving major political progress would be possible in the next month or year.

He said, “I frankly do not expect us to see rapid progress through these benchmarks” and suggested that progress would take months if not years to achieve.

So the American people are being asked for more patience at a time when it is clear that we do not have a strategy in place to remedy the situation in the immediate future.

While this administration continues to endorse an open-ended commitment of our presence in Iraq, our brave service men and women are caught in the middle of a situation that everyone agrees can only be resolved with a political solution. This is deeply troubling to me. Our nation has been in Iraq for 4½ years. We have spent $450 billion and the President will soon ask us for $200 billion more.

We have lost nearly 3,800 American troops, over 400 from my home State of California. Almost 28,000 have been injured in Iraq.

We entered the country thinking that we would be met as liberators, and General Petraeus even admitted that he understood the difference between Shia and Sunni. The munitions dumps were secured, leading to an inflow of foreign fighters. Debaathification was put in place on all levels of civil society, leading to resentment and widespread unemployment.

The Army was disbanded, creating a disaffected, trained insurgency. The muni- tions dumps weren’t secured, leading to an inflow of foreign fighters. Debaathification was put in place on all levels of civil society, leading to resentment and widespread unemployment.

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The Army contends that the cracks in the monument diminish the aesthetic value of the monument and that the cracks justify the monument’s replacement.

This position is not shared by many of our colleagues who believe that the cracks in the monument cannot be fixed and that it will continue to deteriorate. The Army also contends that the surface of the monument has weathered to the point that, within the next 15 years, the details of the carving might not be visible and that the experience of visiting the tomb will be adversely effected. They justify its replacement by asserting that the Tomb of the Unknowns due to cosmetic cracks that have appeared over time in the facing of the monument. It would require the Secretaries to provide Congress with a report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery.

Our amendment seeks to clarify the plans of the Secretaries to replace the monument at the Tomb of the Unknown due to cosmetic cracks that have appeared over time in the facing of the monument. It would require the Secretaries to provide Congress with a report on plans to replace the monument and, if replaced, how they intend to dispose of the current monument. Our amendment would prevent the Secretaries from taking action to replace the monument until 180 days after the receipt of the report.

The Army contends that the cracks in the monument diminish the aesthetic value of the monument and that the cracks justify the monument’s replacement. The Army’s position is that the cracks in the monument cannot be fixed and that it will continue to deteriorate. The Army also contends that the surface of the monument has weathered to the point that, within the next 15 years, the details of the carving might not be visible and that the experience of visiting the tomb will be adversely affected. They justify its replacement by asserting that the Tomb of the Unknowns has significance beyond its historic origins and therefore should be maintained in as perfect a state as possible.

This position is not shared by many civic and preservation groups who believe the monument can and should be preserved and repaired. This view is also shared by the preservation architects who completed the latest formal study of repairs to the Tomb of the Unknowns in 1990. Supporters of preserving the current monument view it...
as something that cannot be replicated. They do not believe the experience of visitors will be diminished by the weathering and deterioration that come over time. They believe it is a symbol that should be considered in the same vein as other important symbols of our heritage such as the Liberty Bell and the Star Spangled Banner, the flag that inspired our national anthem.

It is important to note that the Capitol Building and the White House are other well-known and well-loved American icons for which we understand, and other flaws in their building materials, but no one is suggesting that they be torn down and replaced with replicas.

It is also important that, as we consider replacing the monument at the Tomb of the Unknowns, we acknowledge that it is the stated position of our Government under Executive Order 13287, signed by President Bush on March 3, 2003, that the Federal Government has a leadership in the preservation of America’s heritage.

Our amendment does not preclude the Secretaries from replacing the monument at the Tomb of the Unknowns in the future, but seeks to ensure that they do so with great caution before making any decisions that would irrevocably affect this national treasure. I urge all of my colleagues to support this amendment.

Mr. WARNER. Madam President, I believe our colleague from Indiana, under the UC, has now some 30 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Madam President, I wish to put a formal request before the Chair with regard to his desire to address the Senate?

The PRESIDING OFFICER. The order is to recognize the Senator from Massachusetts following the Senator from Indiana.

Mr. KENNEDY. Madam President, I thank the Senator from Indiana. I see the Senator from Indiana on his feet, as well as my friend and colleague from Wyoming. I know the Senator from Indiana is eager to continue the discussion on the substance that has been raised this morning. I was wondering if we might have a very brief period of time, Senator Enzi and myself, to describe an extremely important piece of legislation that was passed last evening, on a voice vote. It is very important in terms of the health of the country. We want to be able to speak briefly on that issue.

I am wondering if the Senator from Indiana would yield 5 minutes to the Senator from Wyoming and myself.

Mr. WARNER. Madam President, first, we want to consult before that UC is given—

The PRESIDING OFFICER. An order already exists.

Mr. WARNER. With the Senator from Indiana, who I think has been waiting about an hour and a half.

Mr. LUGAR. Madam President, I thank the distinguished Senator from Virginia for raising the question. As a courtesy to my distinguished colleagues, I will be pleased to yield for the time requirements they have and then I will proceed after they have concluded.

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

Mr. WARNER. Madam President, I thank you for your commitment. Let us make it clear that I believe the UC, as structured, would be the Senator from Massachusetts will have 5 minutes, the Senator from Wyoming will have 5 minutes, and then the 30 minutes allocated to the Senator from Indiana will start.

The PRESIDING OFFICER. That is the Chair’s understanding.

Mr. WARNER. Madam President, I yield the balance of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. First of all, Madam President, I thank my friend from Indiana, who is so typically gracious and understanding colleagues. We will be very brief. If the matter was not of such importance, we would not trespass on the Senator’s time.

Madam President, I ask the Chair to let me know when I have 1 minute left. The PRESIDING OFFICER. I will, Senator.

Mr. KENNEDY. I thank the Chair.

FOOD AND DRUG ADMINISTRATION REFORM LEGISLATION

Mr. KENNEDY. Madam President, every day, families across America rely on the Food and Drug Administration in ways they barely realize. When they put dinner on the table, they are counting on FDA to see that it is free from contamination. When they care for a sick child, they are trusting FDA to make sure the drugs prescribed are safe and effective. From pacemakers to prescription drugs. The stakes could not be higher. FDA has an urgent need for these funds. Its workload has increased massively in recent years but its resources have not kept pace. Between 1990, the number of adverse events submitted to the FDA has increased by over 1,300 percent, but the agency’s resources have increased only 130 percent. The legislation provides over $400 million this year for the review of drugs and medical devices at FDA, and over $50 million for needed safety reforms to give these talented professionals the tools they need to do the job we are counting on them to do.

At the heart of our proposal is a new way to oversee drug safety that is flexible enough to be tailored the characteristics of particular drugs, yet strong enough to allow decisive action when problems are discovered. For drugs that pose little risk, these actions might be as simple as a program to report side effects and a label with safety information—items that are currently required for all drugs. Drugs that raise major potential safety concerns might require additional clinical trials, a program to train physicians in using the drug safely, or a requirement that the prescribing physician have special skills.

A second major element of our legislation is a public registry of clinical trials and their results. A complete central clearinghouse for this information will help patients, providers and
researchers learn more and make better health care decisions. Now, the public will know about each trial underway, and will be able to review its results.

Our bill recognizes that innovation is the key to medical progress by establishing a new center, the Reagan-Udall Foundation, to develop new research methods to accelerate the search for medical breakthroughs. During the discussions that led to consideration of this bill, we heard time and again that there should be better research tools to aid FDA in evaluating the safety of drugs and devices and help researchers move through the long process of developing these products more effectively.

If new research tools and better ways to evaluate the safety and effectiveness of drugs could be developed, patients will benefit from quicker drug development. If current procedures can be made more effective, then the cost of developing new drugs will drop.

The Reagan-Udall Foundation sets up a way to develop these new tools—not so they can help just one researcher or one company, but so they can help the entire research enterprise.

The bill also takes action on the abuse of citizens petitions. FDA has a commonsense policy to allow ordinary citizens or medical experts to submit petitions to the agency about drugs that it is considering approving. This procedure should be used to protect public health—but too often, it is subverted by those who seek only to delay the entry onto the market of generic drugs.

Even if the petitions are found to be meritless, they will have accomplished their mission—delaying access for consumers to safe and lower cost medicines. Some petitions do present legitimate public health concerns, and FDA should not ignore them. The critical test of any proposal on citizen petitions is that it strike a balance so that the abuse of citizens petitions is prohibited but those petitions that have genuine safety information are reviewed.

The proposal the Senate approved strikes that balance. It rightly states that the mere filing of a citizen petition should not be the cause for delay, but allows FDA to delay the approval of a generic application if it determines that doing so is necessary to protect public health. This is the right approach. It prevents abuse and protects health.

The legislation also includes important reforms of direct to consumer, or DTC, advertising. I want to thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me and with many members of the committee on this important provision.

Instead of the moratorium included in our original bill, the current proposal requires safety disclosures for DTC ads, coupled with effective enforcement. Under current law, safety disclosures can be an afterthought—a rushed disclaimer read by an announcer at the conclusion of a TV ad while his words are dull and his lip gloss over the important information provided. Our proposal requires safety announcements to be presented in a manner that is clear, conspicuous and neutral, without distracting imagery. We also give FDA the authority to require safety disclosures in DTC ads if the risk profile of the drug requires them.

Our legislation also takes important first steps toward a safer food supply. These are only first steps, and our committee will work on a comprehensive package of legislation later in the fall—but they are important steps. Consumers and FDA have too little information about contaminated food. Our bill creates a registry and a requirement to report food safety problems. Consumers will want to know immediately about recalls at their fingertips, and FDA’s response will not be slowed by antiquated and inefficient reporting systems. Our bill also establishes strong, enforceable quality standards for the food industry to guard against the problems of tainted pet food that we have seen in recent months.

In this new era of the life sciences, medical advances will continue to bring immense benefits for our citizens. To fulfill the potential of that bright future, we need not only brilliant researchers to develop the drugs of tomorrow, but also strong and vigilant watchdogs for public health to guarantee that new drugs and medical devices are safe and effective, and that they actually reach the patients who urgently need them. Congress has ample power to restore the luster the FDA has lost in recent years, and this bipartisan consensus bill can do the job. I congratulate my colleagues on approving this legislation, and look forward to working with them on its effective implementation.

The comprehensive legislation approved by the Senate is over 400 pages long and it reflects important contributions from many, many of our colleagues.

My partner in this effort from Day One has been my friend and colleague from Wyoming, Senator Mike Enzi. Our work on drug safety began when he chaired our committee and I was Ranking Member—and our work didn’t miss a beat when our roles were reversed after last year’s election.

I also commend Senator DODD, Senator CLINTON, and Senator ALEXANDER for the important contributions they made to bring new drugs to children. I regret that several of these important provisions were not included in the bill, but I will work with them to see if those worthwhile proposals can be included in other legislation.

Senator GREGG contributed important proposals on using health information technology to improve FDA’s ability to detect drug safety problems. No drug is free from risk, and FDA needs the best possible methods to detect unexpected risks as quickly as possible.

No Senator is more justly proud of the good work that FDA does than Senator MIKULSKI. Her state of Maryland has two of the great jewels of the federal government—the National Institutes of Health and the Food and Drug Administration, and her proposals to increase the transparency of FDA operations were included in the bill.

Senator HATCH and I have worked together on the life sciences for many years, and we have worked closely to ensure that whether it is cells or biologics or the FDA itself, Senator HATCH is always at the forefront of the debate—and the bill includes important provisions he offered to accelerate the development of new cutting-edge drugs.

The proposal on strong, enforceable quality standards for the food industry to guard against the problems of tainted pet food that we have seen in recent months.

I want to thank our colleagues from the House, Representatives Chairman JOHN DINGELL of the Energy and Commerce Committee and Chairman FRANK PALLONE of the Health Subcommittee steered this legislation
through the House. They worked in close partnership with the Ranking Members, Representative Joe Barton and Representative Nathaniel Deal. Other House members made major contributions to the bill, as well, and I particularly commend Representatives Henry Waxman and Ed Markey for their leadership.

Finally, I thank the dedicated staff members who worked so long and hard and well on this legislation: Sharon Christian, Amy Muhler, Keith Planagan, and Dave Schmickel from Senator Enzi’s office; Liz Wroe with Senator Gregg; Jenny Ware with Senator Burr; Tamar Magarik and Jeremy Sharp with Senator Dodd; Ann Gavaghan with Senator Clinton; John Ford, Bobby Clark, Ryan Long and John Little of the House Energy and Commerce Committee; and my own staff: David Dorsey, David Bowen and Michael Myers.

They all spent long hours over many months on the many complex provisions in this bill. Our efforts could not have been successful without them, and millions of Americans will benefit from their ability and dedication in the years ahead.

I thank the Chair and thank the Senator from Indiana for his courtesies.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank you, and I especially thank the Senator from Indiana who has been waiting an hour and a half to speak and was kind enough to let us fit into the schedule. We needed to do this because so often around here, when something is done in such a bipartisan manner that it passes unanimously, nobody ever hears about it.

This isn’t something we are trying to force through, this isn’t something that there are a lot of arguments about, but it is something essential to the safety of the public: their food and their drug safety. We are the best country in the world at doing it. We can do it better. This bill lets us do it better. Is it a perfect bill? That never happens around here. Is it a big victory for patients and children? Absolutely.

This actually incorporates four reauthorizations and one massive reform. We take care of a lot of things in this package that normally would take a lot of hours on the floor, but because of the participation from both sides of the aisle, and from everybody intensively on the committee, we were able to put together a bill that solves a lot of problems.

The FDA’s choice before was to pull a drug off the market or to leave it on. If it had some kind of a problem that could be solved some simple way, it wasn’t an option; pull it off or leave it on. We gave them a toolbox, a whole bunch of different things that they can now do so that drugs will be approved faster for patients. What we are eventually trial that we call the whole population of the United States kicks in, there is a mechanism for following all of those

and finding small samples of problems, solutions to those small samples of problems, and the drug that is working for people across this Nation doesn’t have to be pulled off the market. It can still work for the people who aren’t affected by an adverse reaction. That is a major change we have been able to make.

I wish to thank all the people involved, particularly the people on the committee who took separate parts of this science home with solutions—not solutions that would polarize us but solutions that would bring us together. The American people don’t get to hear much about the solutions that bring us together. They get to hear hour after hour after hour of the things that have been polarized and that drive us apart. I want them to know there are things that get solved around here such as food and drug safety, a big thing for this country. It was done, and it was done unanimously. On the other house’s version that was negotiated with the Senate’s version was put together in such a way that we agreed with it. America needs to know that.

The FDA is the gold standard among public health regulators the world over. For the past century, the FDA has protected the public—from filthy conditions in meatpacking plants to thalidomide, which caused thousands of birth defects in Western Europe. The FDA’s constant vigilance is something that we have come to depend on every day to protect us and our children.

Beginning in January 2005, the Senate Committee on Health, Education, Labor and Pensions conducted a top-to-bottom review of the FDA’s drug safety and approval processes. Given the limitations we identified during our review of FDA, I strongly felt it was necessary to correct those problems and ensure that FDA has the right tools to address drug safety on the market. The FDA’s constant vigilance is something that we have come to depend on every day to protect us and our children.

By providing this single, expedited response to new information. We rely on FDA to get the label right, and this bill provides broad authority to do that, significantly strengthening FDA’s hand in securing changes to the label. By providing this single, expedited response to new information. We rely on FDA to get the label right, and this bill provides broad authority to do that, significantly strengthening FDA’s hand in securing changes to the label. By providing this single, expedited response to new information. We rely on FDA to get the label right, and this bill provides broad authority to do that, significantly strengthening FDA’s hand in securing changes to the label. By providing this single, expedited response to new information. We rely on FDA to get the label right, and this bill provides broad authority to do that, significantly strengthening FDA’s hand in securing changes to the label. By providing this single, expedited response to new information. We rely on FDA to get the label right, and this bill provides broad authority to do that, significantly strengthening FDA’s hand in securing changes to the label.
perform pediatric safety studies. It is because of the great success of these two programs that I am pleased that the bill requires both programs to be reauthorized together in 2012. This joint sunset date allows for further re-authorizations to continue balancing the needs of both programs that I am pleased that the bill requires both programs to be reauthorized together in 2012. This joint sunset date allows for further re-authorizations to continue balancing the needs of both programs.

Most of all, I am pleased that the drug safety portion of the bill contains provisions from my Safer DATA Act. This language requires the FDA to establish and maintain an active surveillance infrastructure to collect and analyze drug safety data from disparate sources, such as: adverse events reports, Medicare Part D and VA health system data, and private health insurance claims data. The private sector and many academic institutions have had these capabilities for years. With this legislation, the FDA will finally have access to the best information possible.

The legislation also directs the FDA to establish drug safety collaborations with private and academic entities to perform advanced research and further analysis of drug safety data once the surveillance system detects a serious risk.

And finally, to enhance risk communication, the language establishes a one-stop shop web portal to give patients and providers better access to drug safety information, including aggregate information from the surveillance system. I congratulate Senator KENNEDY and Senator ENZI for their support of the inclusion of this provision and for their efforts to get this bill finalized before the September 21 deadline.

We have consistently heard from HHS Secretary Leavitt and Commissioner Von Eschenbach over the past few months that if we failed to complete the reauthorizations of PDUFA and MDUFMA by September 21, they would be required to issue reduction-in-force—RIF notices to FDA drug and device reviewers—the key staffers who are on the front lines of ensuring the safety and efficacy of FDA approved products. In 1997, when Congress failed to reauthorize PDUFA on time, the 1 month delay caused departures to the extent that it took 18 months for FDA to return to full staffing levels.

Not only would the issuance of RIF notices to FDA drug and device reviewers—the key staffers who are on the front lines of ensuring the safety and efficacy of FDA approved products—be a loss, but it would have essentially obliterated the ability of the agency to fulfill its public health mission.

So it may be surprising to some, that the key obstacle to finishing this bill over the last few weeks was the House Democratic leadership’s insistence on a provision that they included on behalf of their most precious constituents—not the FDA employees, not the scientists, not even the patients, but the trial lawyers. Yes, included deep in section 901 of this bill is a one-sentence rule of construction that makes the obvious statement that, notwithstanding the new authority granted to the FDA under this bill to require labeling changes; it is the responsibility of the drug company to comply with other regulatory requirements regarding the drug’s label. This so called “gift to the trial lawyers” is unenforceable, and not such a gift at all. Regardless of whether or not the drug company or the agency initiates a labeling change, it is the FDA that continues to have the express authority to approve, reject, or modify the labeling of a drug.

Not only is this rule of construction meaningless, but it pales in comparison to the expansive authority given to the FDA throughout the rest of the bill’s 422 pages. What this bill does at the majority’s insistence is expand the reach of the FDA’s regulatory authority over prescription drugs, devices, food, and even tanning beds.

In addition to the bill’s many other provisions, the law directs the HHS Secretary explicit authority to request certain safety labeling changes. If the Secretary becomes aware of new safety information that the he or she believes should be included in the labeling for a drug, the Secretary may notify the drug company and begin a process to modify the label.

Under existing preemption principles, FDA approval of labeling under the Food, Drug, and Cosmetic Act preempts conflicting or contrary State laws. The Secretary is authorized to order labeling either new or not labeling revisions are necessary is, in the end, squarely and solely the FDA’s. Given the comprehensiveness of FDA regulation of drug safety, effectiveness and labeling under the Food, Drug, and Cosmetic Act, additional requirements for the disclosure of risk communication do not necessarily result in positive outcomes for patients, but create differing standards that heighten confusion.

If we had listened through this legislation to give State courts and State juries the authority to second guess the scientific expertise of the FDA, we would have done so. In fact, based on the totality of the bill’s 422 pages we have done the opposite. The intent of this legislation is explicitly clear. One FDA. One gold standard. One expert decision that makes the obvious sense. They wrote: ‘‘We recognize that the existing authority that gives the FDA the necessary discretion to act in the public interest is too limited to adequately protect the public health. We believe that the FDA’s authority over drug labeling should be expanded to address labeling concerns that would otherwise go unaddressed.’’

‘‘Notwithstanding the provisions of this section, FDA shall be entitled to modify the labeling, if the Secretary finds, after notice and opportunity for hearing, that the labeling is false or misleading.’’

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I unanimous consent to speak as in morning business.

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

U.S. LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS AND MALARIA ACT

Mr. LUGAR. Madam President, I rise today to discuss S. 1966, a bill that I introduced last month to reauthorize the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2005—known as the Leadership Act. Under the Leadership Act, the American people have catalyzed the world’s response to the HIV/AIDS epidemic. It is not often that we have an opportunity to change the course of history, or that every American can be proud that we have seized this opportunity. My message to Senators today is a simple one: let’s agree that we should sustain this success, and let’s move now to pass a reauthorization bill.

I believe that Congress should reauthorize the Leadership Act this year, rather than wait until it expires in September 2008. Partner governments and implementing organizations in the field have indicated that, without early reauthorization of the Leadership Act, they may not expand their programs in 2008 to meet the goals that we set for the President’s Emergency Plan for AIDS Relief also known as PEPFAR. These goals include providing treatment for 2 million people preventing 7 million new infections, and caring for 10 million AIDS victims, including orphans and vulnerable children.

Many partners in the fight against HIV/AIDS want to expand their programs. But to do so, they require assurances of a continued U.S. commitment beyond 2008. We may promise that a reauthorization of an undetermined funding level will happen eventually—but partners need to make plans now if they are to maximize their efforts. Today, they have only a Presidential proposal, not an enacted reauthorization bill. This is an important matter of perception, similar to consumer confidence. It may be intangible, but it will profoundly affect the behavior of individuals, groups, and governments engaged in the fight against HIV/AIDS.

I recently received a letter from the Ministers of Health of the 12 African focus countries receiving PEPFAR assistance. They wrote: ‘‘Without an early and clear signal of the continuity of PEPFAR’s support, we are concerned that partners might not move as quickly as possible to fill the resource gap that might be created. Therefore, services will not reach all those who need them...’’

The momentum will be much greater in 2008 if we know what to expect after 2008.

I realize that a PEPFAR reauthorization bill will face a crowded Senate calendar this year. But to do nothing is to risk the momentum of PEPFAR during 2008 is a matter of life or death for many. Part of the original motivation behind PEPFAR was to use American leadership to leverage other resources in the global community and the private sector. The continuity of our efforts to combat this disease and the impact of our resources on the commitments of the rest of the world will be maximized if we act now.

Although the Leadership Act is an expansive piece of legislation, I believe that Congress can reach an agreement expeditiously on its reauthorization. Most of its provisions are sound and do
not require alteration. In fact, the act has provided for substantial flexibility of implementation that has been one of the keys to success of the PEPFAR program. The authorities in the original bill are expansive, and they are enabling and not narrowly limiting the flexibility of those charged with implementation in 2009 and beyond. We don’t know who that will be, and more importantly, we don’t know what the challenges of 2013 will be—though we can project that the landscape will be very different than it is today.

This is not to say that Senators may not have good ideas for improvement that should be adopted. But new provisions to the law can limit the flexibility of those charged with implementation in 2009 and beyond. We don’t know who that will be, and more importantly, we don’t know what the challenges of 2013 will be—though we can project that the landscape will be very different than it is today.

The first is Strengthening Health Systems. Some have expressed the view that additional authorities are needed to improve health systems in target countries. I agree that this area is a vital one if hard-hit nations are to have truly sustainable programs. Yet the current Leadership Act already contains authorities that can help build systems, and the United States is making extensive use of those authorities. To date, the emergency plan has supported nearly 1.7 million training and retraining encounters for health care workers and more than 25,000 service sites. In fiscal year 2007, PEPFAR estimates it will have invested nearly $640 million in network development, human resources, and local organizational capacity and training.

A recent study of PEPFAR treatment sites in four countries—Nigeria, Ethiopia, Uganda, and Vietnam—found that PEPFAR supported 92 percent of the investments in HIV-related infrastructure designed to provide comprehensive HIV treatment and associated care, including facility construction, lab equipment, and training. In these countries, PEPFAR also supported 57 percent of personnel costs and 92 percent of training costs.

In a separate study focused on Rwanda that examined 22 non-HIV/AIDS health indicators, 17 showed significant improvements as PEPFAR scaled up. Improvements in family planning and infant care, among other achievements, were deemed to have stemmed from ongoing HIV/AIDS programs. According to the findings of the Institute of Medicine Committee, which recently completed a congressionally mandated study of the emergency plan:

PEPFAR is contributing to make health systems stronger . . . doing good to the health system.

In the Senate Foreign Relations Committee, we have paid particular attention to the devastating toll of HIV/AIDS on females. Women, and young girls in particular, are especially vulnerable to HIV and AIDS due to a combination of biological, cultural, economic, social, and legal factors. The Leadership Act’s authorities in this area are robust. The emergency plan is already leading the world in incorporating gender considerations across its prevention, treatment, and care programs and addressing gender issues that contribute to the spread of HIV/AIDS. For example, in 2006, a total of $142 million supported more than 830 interventions to address the prevalence of orphans or more of the five priority gender strategies identified in the Leadership Act. These strategies include increasing gender equity in HIV/AIDS services, reducing violence and coercion, addressing male norms and behaviors, increasing women’s access and increasing women’s access to income and productive resources.

In Namibia, PEPFAR supports the Village Health Fund Project, a microcredit program that provides vulnerable populations, such as widows and grandmothers who care for orphaned grandchildren, with start-up capital for income-generating projects. In South Africa, PEPFAR supports a project that seeks to have men take more responsibility for HIV infection and gender-based violence.

Another issue of special concern is food and nutrition. In 2004, I chaired a hearing of the Foreign Relations Committee on this subject that underscored how HIV/AIDS and hunger exacerbate each other in many African nations. The AIDS crisis has led to a food crisis for both its victims and their communities. It is no coincidence that the prevalence of HIV/AIDS is highest in countries where food is most scarce. PEPFAR has adopted guidance providing for the inclusion of nutritional assessment and counseling in care and treatment programs. It has also facilitated food support for targeted populations and assistance to long-term food security for orphans and vulnerable children. PEPFAR seeks to build on the comparative advantages of its partners in addressing food needs. These include USAID, the U.S. Department of Agriculture, and the United Nations Children’s Fund. These partners provide more direct support in food commodities and food security with a focus on overall communities.

The PEPFAR approach of targeting individuals complements these efforts.

In Kenya, for example, PEPFAR is supporting a “food by prescription” approach and is working with the Kenyan government, the World Food Program, and others to ensure that Kenyan villages, as well as individuals who may fall outside of PEPFAR guidelines for support, are reached. In Haiti, PEPFAR works with partner organizations to support orphans and vulnerable children using a community-based approach. Children participate in a school nutrition program using USAID title II resources. This program is also committed to developing sustainable sources of food. Thus, the program aggressively supports community gardens for children’s consumption and for generating revenue through the marketing of vegetables.

On nutrition, too, the Leadership Act’s authorities are being put to productive use. In 2006, approximately $100 million in PEPFAR funding went toward programs that address barriers to school attendance for orphans and vulnerable children. This amount is expected to rise to $127 million in 2007. As it does with its nutrition programs, PEPFAR seeks to leverage its resources by “wrapping around” other programs that promote access to education, such as the President’s African Education Initiative, or AEI.

For example, in Zambia, PEPFAR and AEI fund a scholarship program that helps nearly 4,000 orphans who lost one or both parents to HIV/AIDS or who are HIV-positive stay in grades 10 through 12. Similar partnerships exist in Uganda, where PEPFAR and AEI are working together to strengthen life-skills and prevention curricula in schools. In addition, PEPFAR and AEI are working together to strengthen life-skills and prevention curricula in schools. In addition, PEPFAR and AEI are working together to strengthen life-skills and prevention curricula in schools.

The emergency plan has dedicated nearly $191.5 million to pediatric treatment, prevention, and care during the last 2 years. The program has made steady progress, increasing the share of those receiving PEPFAR-supported treatment who are children from 3 percent in 2004 to 9 percent in 2006. The intent is to increase this figure to 15 percent.

PEPFAR has focused much effort on early identification of HIV-positive children. In many countries, an HIV test is used that cannot identify children as positive until they are 18 months old. Recognizing that 50 percent of PEPFAR-supported children die by age two if untreated, PEPFAR is working hard to introduce new diagnostic technology that can discern the HIV status of children at a much younger age. Along with supporting treatment for children who are already infected, PEPFAR is devoting resources to ensuring that fewer children are infected.
in the first place. To date, PEPFAR has dedicated more than $453 million to the prevention of mother-to-child transmission programs. In Botswana, Guyana, Namibia, Rwanda, and South Africa the percentage of pregnant women receiving antenatal care who are given an HIV test during routine antenatal care unless they refuse the test.

Under the highly successful national program in Botswana, where approximately 14,000 HIV-infected women give birth annually, the country has increased the proportion of pregnant women being tested for HIV from 49 percent in 2002 to 96 percent in 2006. The number of infant infections has declined by approximately 80 percent, to a national transmission rate of less than four percent.

Although the authorities in the Leadership Act allow for an expansive array of activities, I am suggesting a few basic changes in this reauthorization. First, my proposal would increase by approximately $30 billion the authorization for the years 2009 through 2013—a doubling of the initial U.S. commitment. Senators may wish to revisit this proposed funding level, and I look forward to that discussion.

I believe we need to keep the bill as free of funding directives as possible to ensure maximum flexibility for implementation. This was recommended by the Institute of Medicine. I am proposing that only two funding directives be included—one modified from its current form, the other maintained as it is. The first modification would seek to address the abstinence directive in current law. The administration has interpreted and implemented this provision so as to include both abstinence and faithfulness programs, the ‘AB’ of ‘ABC,’ which stands for Abstinence, Be faithful, and the correct and consistent use of Condoms. The ABC paradigm for prevention was developed in Africa by Africans, to address the wide range of risks faced by people within their nations. Recent evidence from a growing number of African countries shows a correlation between declining HIV prevalence and the adoption of all three of the ABC behaviors. PEPFAR implements a program that teaches young children to respect themselves and others. Part of that respect is to refrain from sexual activity and to be faithful to a single partner. As children grow older, they learn about other ways to protect themselves so that they have the information and tools they need to live healthy lives. These are not revolutionary concepts. Rather they are approaches to public health based on broad experience garnered from many cases and studies.

The problem with this directive, however, is that it has applied to all prevention funding—not just to funding for prevention of sexual transmission. This has had the effect of squeezing funding for prevention activities that have nothing to do with sexual prevention—such as prevention of mother-to-child transmission and blood transfusion safety. The language I propose would address this by applying the directive only to funding for prevention of sexual transmission rather than to prevention funding as a whole. This will enable greater flexibility.

At the same time, the language would ensure the continuation of funding for abstinence and faithfulness programs as part of comprehensive, evidence-based ABC activities. Rather than maintaining the existing directive of 33 percent of all prevention funding, the proposal would require that 50 percent of the United States Union subset of prevention activities be spent to support abstinence and faithfulness. It also acknowledges that different strategies are needed depending on the facts at the epidemic’s doorstep—something PEPFAR is already doing. I think this compromise approach is one that can win support from across the political spectrum and provide increased flexibility while ensuring continued support for comprehensive, evidence-based prevention. I look forward to working on this with my colleagues. The one directive in the Leadership Act that I believe must be maintained holds that 10 percent of funding be devoted to programs for orphans and vulnerable children. There were few programs focused on the needs of these children before the Leadership Act, and we remain in the early stages of the effort to serve them. Before the advent of PEPFAR, neither the United States, nor anyone else, had much experience in programs to support children infected with, or affected by, HIV/AIDS.

After several years of effort, we have made some progress in our programs, but not yet firmly established as they can be. This year PEPFAR invited proposals for orphans programs from the field—but the number of proposals that came back was far less than the available funding. This indicates that we still have much work to do in this area, and maintaining this directive will help to ensure that we do it.

The AIDS orphans crisis in sub-Saharan Africa has implications for political stability and human welfare that extend far beyond the region. The American people strongly back this effort, and the maintenance of this directive will help to ensure that we remain attentive to those who need our care. The directive will also help ensure the success of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, a bill I drafted, which was cosponsored by 11 Senators. That bill has been signed into law on November 8, 2005.

My bill also includes some new language regarding the Global Fund, an organization that enjoys wide support in Congress. The Global Fund is a critically important partner in our fight against HIV/AIDS. In addition to our contributions, we are active on its board, and U.S. personnel provide the Global Fund with extensive technical assistance. The Global Fund is an avenue for the rest of the world to make contributions to antiretroviral initiatives. The United States is the largest supporter of the Global Fund, having provided more than $2 billion so far. The American people have contributed approximately one-third of all moneys received by the fund.

The fund is subject to pressures from many donors, and it is widely acknowledged that it would benefit from greater transparency and accountability. As chairman of the Senate Foreign Relations Committee from 2003 through 2006, I oversaw the passage of legislation that strengthened the transparency and accountability of international organizations that receive U.S. funding, including the World Bank and the International Monetary Fund. My proposed language would establish similar benchmarks for U.S. funding for the Global Fund. I address such benchmarks at some length in the proposed legislation—not because of concerns over specific Global Fund activities—but rather to ensure sound practices and give members confidence that U.S. contributions are being monitored carefully. Most of these benchmarks are based on provisions included in past appropriations bills, and I do not believe they will be controversial.

S. 1966 would maintain the limitation in the existing Leadership Act that U.S. contributions to the Global Fund may not exceed 33 percent of its funding from all sources. This limitation has proven to be a valuable tool for increasing contributions to the fund from other funding sources, including other governments, and I believe there is widespread agreement that this provision should be maintained.

Lastly, let me turn from the details of the proposed legislation to add some perspective to this reauthorization effort. The U.S. National Intelligence Council and innumerable top officials, including President Bush, have stated that the HIV/AIDS pandemic is a threat to national and international security.

The pandemic is rending the socioeconomic fabric of communities, nations, and an entire continent, creating a potential breeding ground for instability and terrorism. Communities are being hobbled by the disability and loss of consumers and workers at the peak of their productive, reproductive, and care-giving years. In the most heavily affected areas, communities are losing a whole generation of parents, teachers, laborers, health care workers, peacekeepers, and police.

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Bank recently warned that, while the global economy is expected to more than double over the next 25 years, Africa is at risk of being “left behind.”

Many children who have lost parents to HIV/AIDS are left entirely on their own. Epidemic orphaned households. When they drop out of school to fend for themselves and their siblings, they lose the potential for economic empowerment that an education can provide. Alone and desperate, they sometimes resort to transaction or prostitution to survive, and risk becoming infected with HIV themselves.

I believe that in addition to our own national security concerns, we have a humanitarian duty to take action. Five years ago, HIV was a death sentence for most individuals in the developing world who contracted the disease. Now there is hope. We should never forget that behind each number is a person—a life the United States can touch or even save.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Through March of this year, the act has supported treatment for more than 1 million men, women, and children in 15 PEPFAR focus countries. During the first three and a half years of the act, U.S. bilateral programs have supported services for more than 6 million pregnancies. In more than 350,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral drugs, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of PEPFAR, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children. 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment, and care depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The United States has supported 18.7 million HIV counseling and testing sessions for men, women, and children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate more than 94 percent of its available $12.3 billion appropriated through this fiscal year.

PEPFAR, led by its coordinator, Ambassador Mark Dybul, has utilized the existing Leadership Act authorities well and has listened to the Congress and many other stakeholders. We should maintain the flexibility to respond to the changing dynamics of the epidemic and to particular approaches that might be appropriate for 2007, but that might prove problematic for future years. As the Institute of Medicine said, the Global Leadership Act is a “learning organization.” We should pass a bill now that allows PEPFAR to expand and evolve its program implementation utilizing the experience of these past 3½ years.

I believe that we will save more lives and prevent new infections if we reauthorize this remarkable program this year. I ask my colleagues to work with me to achieve a truly bipartisan triumph of which we can all be proud.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

IRAQ

Mr. DORGAN. Mr. President, I am going to make a few comments this morning about a hearing we just completed in the Democratic policy committee, but I am waiting for some charts. While I am waiting for those charts, I want to talk a moment about what is happening with respect to the debate here in this Chamber dealing with the war in Iraq. It relates to some things I said on the floor of the Senate yesterday but I think really bear repeating.

We are talking about the war in Iraq, the need to attempt to change course in Iraq, and yesterday I described again what the latest National Intelligence Estimate tells us. Now, all of us have access to this. There is a classified version, a top-secret version, and a nonclassified version, but all of us have access to this information. Here is what it says in the context of protecting this country and providing security and safety for this country. Here is what the National Intelligence Estimate says:

Al-Qaida is and will remain the most serious terrorist threat to the homeland. We as-
violence. If ever there is a description of a need for a change of course, that is it. I do not understand why some fail to recognize what has happened.

You can go back to February, you can go to June, you can go to the disclosures and read them. This one is June:

“Al-Qaida regroups in new sanctuary in Pakistan border.”

While the U.S. presses its war against insurgents in Iraq, Osama bin Laden’s group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. intelligence and law enforcement officials said. The threat from the radical Islamic enclave in Waziristan is more dangerous than from Iraq, which President Bush and his aides called the central front of the war on terrorism, said some current and former officials. Bin Laden himself is believed to be hiding in the region guiding a new generation of lieutenants and inspiring former officials. Bin Laden himself is believed to be hiding in the region guiding a new generation of lieutenants and inspiring former officials.

I don’t, for the life of me, understand the failure to recognize a set of facts. This is not about the period prior to the invasion of Iraq—a set of information that on its face later turns out to have been wrong.

We don’t need to be told what is right or wrong. We simply need to go back and read the facts, understand the facts. If the central threat to our country, the greatest threat to our country, according to National Intelligence Estimates, is al-Qaida and its leadership and its reconstruction of its system of terror and its creation of new terrorist camps, if that is the case then, that is where America has to be to wage the fight against that kind of terrorist group. Instead, we are in the middle of a civil war. That is why we need a change in course, a change in strategy.

It is not as some of my colleagues talk about, a plan for surrender. It is simply deciding we are going to attack and launch an effort to destroy that which represents the greatest threat to our country. It is surprising to me that 6 years later there is anywhere on the planet Earth that would, by our national intelligence officials, be declared safe or secure for the leadership of al-Qaida. Yet that is exactly what we read and what we hear and what we see in official reports. That is not something we should accept.

I wish briefly today to talk about the results of a hearing that the Democratic Policy Committee held this morning. The hearing was about the subject of contractors in Iraq and also the subject of what are called whistleblowers, those are people who are, in many cases, very courageous people who blow the whistle on waste, fraud, and abuse on behalf of the taxpayers of America; to say this is wrong and it must stop.

We had some very disturbing testimony this morning. We had eight witnesses. Four of them were whistleblowers who were hired dearly for having the courage to come forward.

Let me read the testimony of a Donald Vance, U.S. Navy veteran; 30-year-old U.S. Navy veteran. When leaving the Navy, he chose to go to Iraq as a civilian to help American efforts to rebuild the country. He worked for a couple of private military contractors in Iraq. Here is what happened to him.

What he saw with respect to the last contractor he worked with was the sale of weapons, the sale of stolen weapons to interests who should not have weapons, insurgents and others. So he began to report it. It was something he believed very seriously. He reported it to his supervisor and to the FBI. He reported it to U.S. military officials.

As a result, this U.S. Navy veteran found himself in big trouble. Here is what he said.

Because of the information I possessed and because of my unwillingness to condone the corruption in the company that I saw, I became a target within the company. They took measures to ensure that I could not leave their compound in the Red Zone in which they were located. When I called the United States government for help, [the U.S. Government] did not bother to contact the FBI until many weeks into my detention. According to the Department of Defense spokespeople, they did not bother to contact the FBI until three weeks into my detention. To this day [he said] even though the Freedom of Information Act requests [have been made] no government official has explained what was asked of the FBI regarding myself and what the FBI said in response.

I spent 97 days in . . . isolation. I was denied food and water. I was denied sleep. I was also denied requested, and much needed, medication. I was denied medication, heavy metal and country music blaring into the cells. The lights in the cells were always on. The guards would threaten me and physically assault me, and guards would walk me into walls while I was blindfolded and handcuffed, “shack down” my cell for contraband, threaten to use excessive force if I did not obey all of their orders. Finally, for the first few weeks I was [in this prison] I was denied a phone call. No one in my family knew where I was, if I was alive or if I was dead.

During that time I was interrogated constantly. Before each session, I would ask for an attorney. My request was invariably denied. Instead, I was interrogated by a host of United States government personnel, including FBI agents, Navy Criminal Investigative Service officers, as well as possible CIA and DIA agents. . . .

According to the government, I was being held as a security internee because of my affiliation with a company (Halliburton) and certain members of which the government believed were selling weapons to insurgents.

Three months after I was detained, and after alleged subsequent “re-examination” of my case, the government released me. Before I was released, however, I had one final interrogation. The interrogation was what was I going to do when I got home: Was I going to write a book? Was I going to tell the press? Was I going to get an attorney?

When they released me, he said, they gave me a $20 bill and dumped me at the Baghdad airport to fend for myself without the documentation I needed to return to the United States. A whistleblower who saw illegal activity, saw the selling of improper guns in Iraq, some to insurgents, he felt, went to authorities. His country, the United States of America, held him prisoner for 97 days. That is what we call corruption—which is in the Constitution, by the way. No right of habeas corpus for an American citizen here. No right to contact an attorney. If this doesn’t disturb the American people, I don’t know what will disturb the American people.

We heard today from other witnesses talking about two things. One was the abuse of the taxpayer by contracting firms in Iraq—waste, fraud, and abuse that represents I think some of the worst waste, fraud, and abuse in the history of this country. I believe, 10 or 12 hearings on this subject as chairman of the Policy Committee over the last 3 years. The evidence is unbelievable: $40, $45 for a case of Coca-Cola. It doesn’t matter, the taxpayers will have to pay for it. You order 50,000 pounds, 25 tons of nails, and they deliver the wrong size, it doesn’t matter, throw them on the sand of Iraq, the taxpayers will pay for it. Or a $7,000-a-month lease payment for an RV.

Henry Bunting over in Kuwait, working for Halliburton—KBR, a subsidiary of Halliburton—he had a job as a purchaser. He said, as a small example, I was supposed to order hand towels for the American troops so I filled out an order to order white hand towels. My supervisor said: No, we don’t want those white hand towels. We want hand towels with KBR, the logo of our company, embroidered on the towels. How much? $27. But the old towels were cost. The supervisor says: It doesn’t matter, the American taxpayer is paying for this. It is a cost-plus contract; don’t worry about it.

These are small items, but there are large items. It is unbelievable the amount of waste, fraud, and abuse we have uncovered. The fact is, there seems to be an attitude in some parts of this Government to sleepwalk through it all. It doesn’t matter. It just doesn’t matter.

Can you imagine a circumstance where a contractor, in this case Halliburton, KBR, is charging us for 42,000 meals a day it is providing American troops, American soldiers—42,000 meals a day, and it turns out that are only giving 14,000 meals a day? They overcharged by 28,000 meals a day, according to Government estimates. How do you miss 28,000 meals a day?

The evidence is unbelievable when you go through this. This morning we had a hearing about contracting interests. We had testimony. I read some from Donald Vance, who worked for a contractor in Iraq and was imprisoned by...
his Government for 97 days, not given the right to an attorney, not given the right to contact anybody on the outside at any time during the early stages of that confinement. That is unbelievable.

But Miss Bunnatine testified once again this morning, the highest ranking civilian official in the U.S. Army Corps of Engineers. She said the abuse related to the awarding of contracts—here is what she said exactly. This is the highest ranking civilian official in the U.S. Army Corps of Engineers. I can unequivocally state that the abuse related to the contracts awarded to KBR related to the contracts awarded to KBR—

that is a subsidiary of Halliburton—represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

Do you know what happened to this woman for that? She lost her job. That is unbelievable, when you think about it. I talked to Secretary Rumsfeld about this case. I talked to Secretary Rumsfeld is unbelievable, when you think about contract abuse I have witnessed during the war in Iraq. What

we have found—Senator WYDEN and I have worked on this in the Senate—the Pentagon wants to hire companies to oversee other companies. You can't do that. You can't delegate that responsibility. Who is looking out for the taxpayer?

We had testimony today from Robert Isackson. Robert Isackson is a patriotic American. He was someone who saw criminal activity with a company called Custer Battles. He reported it. For that, he and others who were with him were surrounded by people with guns, threatened. He came today and expressed profound disappointment at the way the Federal Government has responded or failed to respond. As a person who had the courage to be a whistleblower, who saw something wrong and decided to try to right it, as a person who stood up for the best interests of this country and its taxpayers, we owe him a debt of gratitude.

And yet we see today that what has happened in the wake of this—Associated Press wrote a big article about this, exposing it. What has happened systematically under this administration to whistleblowers is they are abused, not protected; not thanked, but abused. I would hope whoever in this administration is responsible and listening and understanding might decide that has to stop.

I will speak more at some point soon about the results of this hearing. My colleague Senator GRASSLEY from Iowa know some time on whistleblower issues, and other colleagues have as well. It is very important for us that when people come forward to report acts of wrongdoing, fraud, waste, abuse, that this country says thank you and follows up and will not allow those people to be abused and penalized. Yet, all too often, that has not been the case. It has to change.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that Mr. Padilla be permitted to speak, and then the Senator from Alaska, Ms. Murkowski, be able to speak.

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

NOMINATIONS

Mr. HATCH. Mr. President, I want to address my colleagues for just a few minutes on the subject of nominations to the Department of Justice and to the Federal judiciary.

Our obligation is the same for each, to focus on the qualifications of nominees through a process that respects the separation of powers.

First, let me say that the President has made a first-rate nomination by choosing Judge Michael Mukasey as the next Attorney General of the United States.

He headed the Official Corruption Unit while serving as Assistant U.S. Attorney in the Southern District of New York. And he served as Chief Judge during his last 6 years on the U.S. District Court for the Southern District of New York.

By any reasonable or objective measure, Judge Mukasey is clearly qualified to lead the Justice Department.

I want also to draw attention to an aspect of Judge Mukasey's experience and record that makes him particularly qualified to lead the Justice Department at this challenging time in our history.

The U.S. District Court is divided into 94 geographical districts. These districts' caseloads vary widely, reflecting the characteristics, demographics, and realities in those districts.

The Southern District of New York, where Judge Mukasey served for 19 years and which he led for 6 years, is no different.

Serving in that key judicial district led Judge Mukasey to confront the terrorist threat to America long before the 9/11 attacks. He presided over the prosecution of Omar Abdel Rahman and sentenced him to life in prison for his role in the 1993 plot to blow up the World Trade Center.

When the U.S. Court of Appeals for the Second Circuit affirmed Judge Mukasey's decision, it took the unusual step of commenting specifically on the trial. The appeals court said Judge Mukasey "presided with extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury. His was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge."

That is a remarkable statement. Appeals courts review lower court decisions, but very rarely do they comment in this manner on lower court judges.

That case occurred before the 9/11 terrorist attacks.

Ten years later, after those attacks, Judge Mukasey ruled that the President had authority to designate Jose Padilla as an enemy combatant against the United States and that, even as an enemy combatant, he must have access to his lawyers. Padilla was eventually convicted of providing material assistance to terrorists.

Legal analyst Benjamin Wittes wrote about this case in the journal Policy Review and said that Judge Mukasey's decision was "the single most compelling judicial opinion yet written on the
due process rights of citizens held as enemy combatants.” That is high praise indeed.

This background and experience with national security and terrorism cases make Judge Mukasey especially qualified to lead the Department of Justice at this time in America’s history.

The Justice Department is being retooled and redirected in light of the war on terror, including creation of its new National Security Division.

Many of the issues in this area may begin with legislation, but end up in the courts. Having someone at the helm with experience not only as a prosecutor but as a judge evaluating these very issues will be invaluable.

In addition to these qualifications are important personal and character qualities which I believe we need in our leaders.

A Federal judge’s law clerks probably know better than anyone how the judge thinks, how he approaches the law, how he handles tough issues, and how he treats others.

I ask unanimous consent to have printed in the RECORD a letter signed by 43 of Judge Mukasey’s former law clerks.

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

(See exhibit 1.)

Mr. HATCH. This letter describes his decisiveness and mastery of the law, as well as his fairness, humility, and commitment to public service.

We must evaluate Judge Mukasey’s qualifications and character through a process that respects the separation of powers.

The Constitution gives the President authority to appoint members of his Cabinet, including the Attorney General. While the Senate has a role in checking that authority, ours is not a coequal role with the President, and we may not use our confirmation role to undermine the President’s appointive authority.

Some of my colleagues may want to use these nominations to fight policy or political battles. Those fights are for the legislative process or the oversight process, but not the confirmation process.

Some of my colleagues have even hinted that they may manipulate the confirmation process for Judge Mukasey in an attempt to force compliance with the Bush administration with certain demands on other issues.

That kind of political extortion would be wrong.

The Justice Department needs leadership now, and Judge Michael Mukasey is qualified and ready for duty now.

During my 31 years in this body, we have taken an average of 3 weeks to move an Attorney General nominee from nomination to confirmation. There is no reason we cannot meet that standard with the excellent and well-qualified nominee now before us.

The same two obligations apply to nominations to the Federal bench.

Let me repeat, we must focus on a nominee’s qualifications through a process that respects the separation of powers.

It is a curious fact of recent American history that, like the situation today, the last three Presidents each faced a Senate controlled by the other political party during his last 2 years in office. Two of those presidents were Republicans, one was a Democrat.

During those last 2 years of a President’s tenure, the Senate confirmed an average of 97 judges to the U.S. District Court and 17 to the U.S. Court of Appeals.

This is only one way of measuring confirmation progress, and I realize some may not care a bit about what has happened in the past. But for those who do, I simply offer this as a yardstick, a gauge of the progress we are making today.

The last 2 years of those previous Presidents’ tenures are an obviously parallel measure for us today, since we are in the last 2 years of President Bush’s tenure.

We are nearing the end of September and have confirmed just three judges this year to the U.S. Court of Appeals. The last one was 5 months ago.

At the same point in this same year during those last three administrations, the Senate had confirmed an average of six appeals court nominees, twice as many.

Meanwhile, the vacancy rate on the U.S. Court of Appeals continues to rise, and is nearly 10 percent higher than when President Bush was reelected.

By raising this issue, I run the risk of some talking about what they like to call pocket fullblasters of Clinton nominees. This cute but profoundly misleading phrase is intended to suggest that the Republican Senate blocked Clinton judicial nominees, the number they use varies all the time, who all could have been confirmed.

I will say just two things about this well-worn mantra.

First, a certain number of nominees of every President remain unconfirmed for a variety of reasons. Anyone who pretends otherwise is trying to mislead the American people about how the confirmation process actually works.

Some Clinton nominees were withdrawn, others were opposed by home State Senators, others were nominated too late. Honesty talking these and other factors into account shows that the margin of error by these critics tops an astonishing 400 percent.

The second response is simpler. President Clinton appointed 377 Federal judges with a Senate controlled by the other party for 6 of his 8 years in office.

This is second only to President Reagan’s 383 judicial appointees with a Senate controlled by his own party for 6 of his 8 years in office.

We need to make more progress confirming judicial nominees. The needs of the judiciary and the yardstick of history indicate that we are not doing our duty.

President Bush has the lowest judicial confirmation rate, overall, and for appeals court judges in particular, of any President during his three decades in this body.

Instead of making the confirmation progress that we should, we see a series of steadily changing standards, whatever it takes to defeat the nominations of good men and women.

I have spoken here on the floor several times about the attack on Judge Leslie Southwick, nominated to the U.S. Court of Appeals for the Fifth Circuit.

Opponents urge his defeat on the basis of just two of the 7,000 cases in which he participated, on the basis of two concurring opinions he did not write— not because he applied the law incorrectly, but because the opponents do not like the result of him applying the law correctly.

That standard is wrong and I hope it does not succeed.

I have here the Washington Post editorial from last month and I agree with its title, Judge Southwick is indeed qualified to serve.

The editorial says that while the Post does not like the results in the two cases that opponents highlight, they cannot find fault with Judge Southwick’s legitimate interpretation of the law.

Judges are not supposed to deliver results that please this or that political constituency. Judges are supposed to correctly interpret and apply the law.

Judge Southwick is committed to that judicial role and he should be confirmed.

Now we see an attack on another nominee to the same court, Judge Jennifer Elrod.

When the Judiciary Committee reported her nomination to the floor yesterday, one of my Democratic colleagues questioned her qualifications for the position.

Judge Elrod, who currently serves on the State court trial bench in Texas, graduated cum laude from Harvard Law School and joined the State trial court bench after 8 years of private practice. For a dozen years, she served on the board and eventually chaired the Gulf Coast Legal Foundation, one of the largest legal aid organizations helping the poor in southeastern Texas.

Judge Elrod has as much judicial experience as did Sandra Day O’Connor when she was unanimously confirmed to the Supreme Court of United States. In fact, when you include Judge Elrod’s 2 years clerking for U.S. District Judge Sim Lake, Judge Elrod has more judicial experience, and more Federal court experience, than did Justice O’Connor.

I voted for Justice O’Connor. I certainly believed she was qualified for the Supreme Court, and I know that Judge Elrod is qualified for the Fifth Circuit.

But Democratic colleagues in the Judiciary Committee also questioned
Judge Elrod’s fitness for the Fifth Circuit because of her race. One colleague said that we must consider the race of sitting judges as well as judicial nominees as we proceed through the confirmation process.

The implications of this view are troubling, to say the least. This means that no matter what a nominee’s qualifications, no matter what her experience or background, no matter what she would bring to the bench, a nominee’s race can apparently be a disqualifier. Appointment judges based on race is an inappropriate standard that I cannot accept.

Like Judge Southwick, Judge Elrod has been nominated to a vacancy open so long that the Administrative Office of the U.S. Courts has designated it a judicial emergency.

Like Judge Southwick, Judge Elrod should be confirmed without further delay.

Evaluating nominees and deciding whether to consent to their appointment is a unique and profound responsibility of this body. As we examine the nomination of Judge Mukasey to be Attorney General, for the nominations of Judge Southwick and Judge Elrod to the Fifth Circuit, I urge my colleagues to focus on their qualifications. I urge my colleagues to fulfill our responsibility through a process that respects the separation of powers. I urge my colleagues to reject inappropriate standards such as political litmus tests or race.

Our judiciary is the best and most independent in the world, and I hope we will preserve this tradition in our confirmation actions and decisions in the weeks and months ahead.

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**IRAQ**

Ms. MURKOWSKI. Mr. President, we have had a very good, healthy debate in the Senate this week on the subject of the war in Iraq. Sometimes it has been more spirited than usual. At times it was a point where some things were said that perhaps did not further a good constructive debate but took the debate a little bit downhill. We in the Senate recognize it is our job to bring forward the issues, to discuss the very difficult considerations that are before us as a Congress, but to always do it in a manner that reflects the level of civility a truly good discourse, a good debate should bring.

I had an opportunity a couple days ago to speak with a general from my home State. I asked him for his comments on what he was seeing as he was watching our debate. He said: Senator, the debate has been good. The debate has been healthy. There clearly are different perspectives that are coming out on the floor, but through it all, no one has forewarned the soldier. He said: That makes me feel good as an American, certainly good as a military leader.

That is important to remember, that in the heat of debate, we do not foresee our military, that we always honor and respect that which they do in such an honorable way.

I personally want to thank Senator WEBB, the junior Senator from Virginia, for bringing forth an issue this week. This was the amendment he introduced that related to the amount of dwell time, the amount of time deployed versus the amount of time a serviceman stays at home. It was important for us to focus on the support side of our military. We know that those who are serving in the war in Iraq and Afghanistan, and truly in all parts of the world, where they are separated from their families, are at their best and serving us to their fullest when they are able to focus on their job.

For those families who remain behind, who miss not having dad or mom at home or miss not having their husband or their wife with them, they
wish the circumstances were otherwise. But we know that the families who have stood behind our service men and women, allowing them to serve—it is these families, too, who are serving our country. We need to recognize the sacrifices those families also make. They may not be on the front lines, but there is no shortage of worry and concern and true anxiety over the health and safety of their loved ones. We put our military families through a great deal of stress at a time of war particularly.

Just as we can never adequately tell our service men and women thank you enough, neither can we say thank you enough to the families who provide that support. I thank Senator White for reminding us of the obligation we owe to the military families themselves.

We all have our own stories of the exchanges we have had with the military families in our respective States. A situation that is very clear in my mind, even well over a year later, was an incident that happened in July 2006. This was, specifically, July 27 in Fort Wainwright, AK, near Fairbanks, where it was publicly announced that the men and women of the 172nd Stryker Brigade Combat Team were going to be extended in Iraq for 120 days. There was some uncertainty as to whether it was just 120 days or whether it would go beyond. This Stryker Brigade had been serving very admirably, honorably in a difficult part of Iraq and had been there for a year. This decision literally pulled the rug out from under the families and the community in Fairbanks. It was a surprise, a shock to the servicemembers and their families.

At the time that extension was announced, some elements of the 172nd had already returned home. They were back in Alaska. There were airplanes that were transporting other elements back home that literally turned around in midair to go to Iraq. They were going to be extended in Iraq for 120 days. There was some uncertainty as to whether it was just 120 days or whether it would go beyond. This Stryker Brigade had been serving very admirably, honorably in a difficult part of Iraq and had been there for a year. This decision literally pulled the rug out from under the families and the community in Fairbanks. It was a surprise, a shock to the servicemembers and their families.

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The thing we saw at that time was the strength of the family readiness groups, the women, the wives who had for a year been holding everybody together. Their younger wives who had never gone through deployment. There was a great deal of camaraderie, a great deal of support. The support from those family readiness groups helped them get through the additional 120 days.

In December of last year, the 172nd Stryker Brigade Combat Team came home. There was no further extension. They were able to be home for Christmas. They were able to return because they got the go ahead, that they were going to go ahead. They broke dwell and went over early to relieve the 172nd. That speaks volumes about the sacrifices the men and the women of our military and their military families make every day supporting our Nation and supporting each other.

I was at Fort Wainwright in December when the returning soldiers were arriving. I spent one afternoon greeting planeload after planeload of soldiers. There were families who were able to check in weapons and awaiting transport to greet the families. These soldiers, from the junior enlisted up to the rank of colonel, were extremely positive about the work in Iraq. They told me, absolutely, they were making a difference. They were tired after 16 months of combat. They were absolutely elated to be home. They were very proud of themselves, of their colleagues, as we were proud of them.

As I was standing in line, there was one young man from North Pole, AK, which is not too far from Fort Wainwright. I said: So you are home. What are you going to be doing?

He said: I have a house. My house is going to be kind of the welcome home, the party house, if you will, for all the single guys and all the guys whose girlfriends have left them in the past year, for those guys whose wives are not going to be here.

I was not very serious in that conversation.

I asked: Do you have a lot of those men who have come home to find that their relationships are no longer intact?

He said: Yes, it is an unfortunate part. But we have been gone for a long time.

He was a young man who was single. But that, too, pulls at your heart, to know that you come home after serving your country and the relationship you had worked so hard to build prior to your departure is now no longer there.

The extension of the 172nd made me angry at that time, very angry, very upset—and not because our soldiers were extended. We know that it is the soldiers’ creed that you put your mission before yourself. You never quit.

But I was upset because our soldiers and our families were forced to endure an abrupt reversal of what they had been promised. They had been promised: You are going to be home in a year, and they were not back in a year. Their families had been promised: You have to wait this long, but it turned out to be true.

I have young kids. The Presiding Officer has young children. The Presiding Officer knows how children wait for something, whether it is a holiday or school to start or school to end. They put it on the calendar, and they count the days down. When the calendar has run out and that much-anticipated episode is supposed to happen and it does not happen, the disappointment of the child is very difficult. It is difficult as a parent to hear it, it is difficult as a child to go through extensions like this. It does make you angry that we failed to keep our promise.

Now, I have had many opportunities to meet with the spouses of those who are serving, both men and women. I have had an opportunity to meet with the family readiness groups. I think probably the most difficult meeting of any I have had with family members was a sitdown, literally a sitdown on the floor of the family readiness group, a family readiness group on post. Children of the deployed military men and women got together for a counseling session with the school counselor. I was touring the school at the time and was able to meet with the kids and sit down in a corner where they were drawing cards to send to their mostly dads over in Iraq—there were a couple over in Afghanistan—and to talk to these children about their life with their parent gone, and gone for a long time in a child’s eyes.

I talked to one little girl. She was 11 years old. Her dad has been deployed seven times. Now, I did not ask her how
long each of those deployments was because when you are 11 years old, seven deployments is a lot of time out of a young girl’s life. We have to remember not only—not only—what is happening in the military fight, not only what is happening on the streets of Baghdad, but we need to always keep in mind what our military families are doing in their service to support their loved ones who are serving us. So these were the considerations which were on my mind and wrestling with when we took up the amendment this week.

It is important for people to understand the U.S. Army has a policy that one-to-one dwell time—in other words, 1 day deployed, 1 day home—one-to-one dwell time is the minimum acceptable dwell. This is not only to allow soldiers the opportunity to reset but also to meet the training and force structure needs. It is the minimum necessary to balance reliance on the use of the Active and the Reserve Forces.

I keep in mind this is the minimum time. It is not an ideal period. The Army would actually prefer to adhere to its existing policy of 1 year in combat, 2 years out for the Active Forces. But the Army knows it cannot comply with its existing policy and meet the demands of staffing our efforts abroad. The Army discovered it could not comply as soon as this policy was announced.

When you think about that, you say: What does this say? What does this mean as far as our level of preparedness? Being prepared for war is not just making sure you have equipment you need. You have to have that human equipment. When we talk about resetting our equipment, we also need to be talking about resetting the human—the mind, the body, the spirit, and the attitude.

So when the Webb amendment was before us, I reviewed it very carefully. Contemplation of the assertions made by some on this floor that I was strong-armed by the administration, that was not my situation. I sought out individuals whose judgment I trust. I did talk with several generals to understand the implications of the policy that was suggested—an inflexible policy, a policy that says it will be a one-to-one dwell time without any flexibility.

I was concerned that in an effort to make sure this administration is paying attention to the military families, making sure we are giving the time we need to reset the soldier, that we were not locking ourselves into something that ties the hands of our generals, ties the hands of our military planners, and, as a consequence, yields unintended consequences that could possibly further jeopardize the safety and the security of those who are serving us in Iraq.

I do have an opportunity to meet with two of the senior military leaders. The senior Senator from Virginia had arranged for a meeting for several of us who had questions about this issue: Tell us what the implications of this policy are.

I sat down with one general who happens to be an Alaskan by choice, General Lovelace. He served several tours over at Fort Richardson and also with the Air Force at the Air Force Base which is where I had known him previously. General Lovelace and General Hamm described the consequences our troops on the ground would face if the amendment before us is adopted. They mentioned a shortage of people to protect our troops from the IEDs, the improvised explosive devices. They talked about a shortage of truck drivers and mechanics, a shortage of infantry, quite possibly a shortage of senior noncommissioned officers and midcareer officers, greater reliance on Reserve and Guard than is presently contemplated, and possibly further extensions of units that are presently in theater.

I thought about all of those, and while I do not know that all of them would have come true if we had adopted the Webb amendment this week, it concerned me greatly to think that through implementation of this amendment the further extension of the units that are presently in Iraq, operating under an understanding they will be home by X date, and their family is operating under that similar assumption. That caused me great concern.

I made contact with the general who had been at Fort Wainwright at the time the 172nd had been extended. He is now the general at Fort Lewis with that Stryker Brigade unit. I asked him: Walk me through the implications. What would it have meant to the 172nd? What can it mean to your brigade at Fort Lewis? He reiterated several of the things I had learned in my conversations with General Lovelace and General Hamm. He spoke to the strength of support that comes from the family readiness units that operate as a unit.

One of the concerns that an inflexible policy would bring is you would—in order to get some of these specialists I referred to, either additional infantrymen or additional mechanics, in certain areas or those who are skilled with the IEDs, disabling them—in order to make sure you have enough on the ground, you would have to be plucking from different units.

I thought back to what we learned there at Fort Wainwright. The thing that held those families together when they learned their husband, their brother, their son was not going to be coming home and instead was going to be extended another 120 days was the strength of that family readiness core unit. It had held everybody together.

If you separate those within the unit, you lose some of that strength and support because one of the families that had been a key member of that team has now been pulled to another unit. You lose some of the strength we have to provide for our soldiers as they are serving us. That is important to remember.

Supporting the troops, supporting their families means, first and foremost, we want to bring our troops home alive. We know military medicine is doing its part to treat those who have been injured, treating them in an expeditious manner. We are saying lives in Iraq today that would have been lost in Vietnam credit to so many. But still, the best way to come home alive is not to be injured at all.

This is what I had to come to grips with this week as we were debating this issue—whether adoption of an inflexible policy that might tie the hands of our military leaders, whether that would mean there are fewer people who would be watching the backs of the men and women on the battlefield.

I do believe our current dwell policy must be revisited. For this time, for 2007 and 2008, what we have in place, the 15 months that have been accepted for this 12-month dwell time is not a perfect solution at all. I do not like it. I do not think our military leaders like it. They would prefer we were in a better place so we could provide for that equal dwell time. So I think it is important that even though the Webb amendment is no longer before us—it did not achieve the 60 votes—that we do not just kind of move on now, go to another aspect, and say the issue of dwell time is not ours, is not important to those who are serving and their military families who are providing that support back home.

It has been suggested we could revise this policy as early as next year with causing this chaos which has been described by some of the generals. It is something we should be looking at. When we think about how we support those who are serving us, we have to remember it is unfair to our service members and our military families who have already encountered personnel policies that turn on a dime, with multiple deployments and extensions—to endure safety risks that directly flow from an inflexible policy that keeps qualified and competent people off the battlefield. I said—and I will repeat—the current rotation may not be ideal. I don’t think it is ideal. The military needs to be honest about not pushing people who are not fit for the battlefield into combat, and it needs to be honest in compensating people who have suffered debilitating mental health conditions and not take the easy way out of discharging based upon personality disorders.

The military needs to address these issues on an individual basis, and the Senate should hold them to it. We know the current rotation policy may very well cause some individuals to leave the service prematurely, but it will also cause us to sit down and say: I have a great deal more to give, and I am not going to abandon my buddy.
CONDOLENCES ARE NOT ENOUGH

Mr. LEVIN. Mr. President, in the aftermath of the Virginia Tech massacre, Virginia Governor Tim Kaine commissioned a panel of experts to conduct an independent review of the tragedy and make recommendations regarding improvements to Virginia’s laws, policies, and procedures. Late last month, the Virginia Tech Review Panel released its report.

The panel was given the difficult task of reviewing the events, assessing the mistakes made, and identifying the lessons learned, and proposing alternatives for the future. This included a detailed review of Seung Hui Cho’s background and interactions with the mental health and legal systems, as well as the circumstances surrounding his gun purchases. Additionally, they assessed the emergency responses by law enforcement officials, university officials, medical examiners, hospital care providers and the medical examiner.

For the university’s approach to helping families, survivors, students and staff as they deal with the mental trauma incurred by the tragedy.

Among other things, the report points to weaknesses of and gaps in regulations regarding the purchase of guns, as well as holes in State and Federal privacy laws. It talks about the critical need for improved background checks and the inherent danger the presence of firearms can pose on college campuses. Tragically, many proponents of gun safety legislation have previously unsuccessfully attempted to enact the very improvements recommended in the panel’s report. The tragedy at Virginia Tech underscores the need to strengthen gun safety laws. I urge Congress to wait no longer in taking up and passing sensible gun legislation.

I ask unanimous consent to include the Virginia Tech Review Panel’s primary recommendations regarding firearm laws in the RECORD.

VI-1 All states should report information necessary to conduct federal background checks on gun purchases. There should be federal incentives to ensure compliance. This should apply to states whose requirements are different from federal law. States should become fully compliant with federal law that disqualifies persons from purchasing or possessing firearms who have been found by a court or other lawful authority to be a danger to themselves or others by a court-ordered review. Virginia should also provide an enhanced penalty for guns sold without a background check and later used in a crime.

VI-2 Virginia should require background checks for all firearms sales, including those conducted at gun shows. Virginia has received or developed various interpretations of the law. The Commonwealth’s attorney general has provided some guidance to universities, but additional clarity is needed from the attorney general or from state legislation regarding guns at universities and colleges.

VI-5 The Virginia General Assembly should adopt legislation in the 2008 session clearly establishing the right of every institution of higher education in the Commonwealth to regulate the possession of firearms on campus if it so desires. The panel recommends that guns be banned on campus grounds and in buildings unless mandated by law.

VI-6 Universities and colleges should make clear in their literature what their policy is regarding weapons on campus. Prospective students and their parents, as well as university staff, should know the policy related to concealed weapons so they can decide whether they prefer an armed or arms-free learning environment.

JUDGE MICHAEL B. MUKASEY

Mr. KYL. Mr. President, I rise in support of the nomination of Judge Michael B. Mukasey to become the Nation’s 81st Attorney General.

Judge Mukasey has devoted more than 22 years to public service, 4 as a Federal prosecutor and more than 18 as a Federal district court judge for the Southern District of New York, one of the most prominent Federal district courts in the United States. For 6 years he was the chief judge.
During his tenure on the bench, Judge Mukasey handled some of the most challenging cases in recent history. In 1995, he presided over the terrorism trial of the "blind Sheikh" Omar Abdel Rahman and nine other defendants accused of plotting terrorist attacks on various sites in New York City. Rahman was also one of the terrorist masterminds of the 1993 World Trade Center bombing.

While presiding over the case of Jose Padilla, an American公民 who was later convicted of, among other things, conspiring to provide material support to al-Qaida—Mukasey issued key rulings that helped set judicial precedent in the war against terrorists. And in the wake of September 11, 2001, he presided over the difficult litigation of World Trade Center–related insurance claims.

During these cases and throughout his career, Judge Mukasey’s knowledge, integrity, and consummate fairness have won him the respect of his colleagues, the attorneys who appeared before him, and many others. In its opinion upholding the verdicts in the 1995 terrorism case, the U.S. Court of Appeals for the Second Circuit in an unusual public commendation praised Mukasey’s “extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helper to the jury.” The court added, “[h]is was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.”

Judge Mukasey’s career has been characterized by his commitment to upholding the rule of law. He has never served in a political role, and his nomination should be considered above the partisan fray.

According to the Justice Department’s mission statement, the Attorney General’s first allegiance should be to “the fair and impartial administration of justice for all Americans,” not to any individual or political party. Indeed, Mukasey’s reputation for fairness and impartiality is so well-known and respected that the senior Senator from New York, Senator Schumer, even recommended him to be a Supreme Court justice.

It is unfortunate, however, that despite the nonpolitical character of Mukasey’s nomination, some Democrats may attempt to hold his nomination hostage in exchange fordocuments related to the firing of U.S. attorneys. It is the public interest to which Congress has no right to these documents, which are covered by executive privilege. Judge Mukasey’s nomination has nothing to do with the firing of these attorneys.

The President has nominated a distinguished and nonpolitical candidate. The Senate should reciprocate by using the confirmation process not to settle old scores or politicize the nomination, but to examine the qualifications of the nominee fairly.

Since the Carter administration, attorney general nominees have been confirmed, on average, in approximately 3 weeks, with some being confirmed even more quickly. The Senate should immediately move to consider Judge Mukasey’s nomination and confirm him before Columbus Day.

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The Senate should reciprocate by using the confirmation process not to settle old scores or politicize the nomination, but to examine the qualifications of the nominee fairly.
Throughout our long history, America has been proud of its strong, well-led military. And this outstanding military leadership is no accident. It is possible because we maintain prestigious, world-class military academies that train some of the best and brightest minds in America. In the art and science of war. But Americans also have a long history as a peace-loving people. Time and again, we have brokered peace agreements between warring nations, and we have intervened to head off potential conflicts. The Institute of Peace draws on this proud tradition, and today makes a vital intellectual investment in the art and science of peacemaking.

I look forward to a time, hopefully not too far in the future, that will truly be a day of peace. But let us remember that peace is not merely the cessation or absence of hostilities. The ideals of peace require us to practice understanding, tolerance, and honorable compromise. The ideals of peace require us to look upon our fellow human beings and to see them as our brothers and sisters. The ideals of peace require us to reject unprovoked aggression and violence as acceptable instruments of national policy.

On this International Day of Peace, I salute the many good people in Iowa, across America, and around the world who devote themselves 365 days a year to the cause of peace and nonviolence. The world is a better place because of their activism and engagement, and because they summon us to what Lincoln called the better angels of our nature.

ADDITIONAL STATEMENTS

TO THE CHARLES F. KETTERING MUSEUM

• Mr. CRAPO, Mr. President, in 1916, history records a number of momentous events, events that changed the course of our world. President Woodrow Wilson was elected to a second term. World War I was ramping up: Germany and Austria declared war on Portugal in March; Romania declared war on Austria in August; Italy declared war on Germany that same month; and Germany, Turkey, and Bulgaria declared war on Romania. Pancho Villa invaded New Mexico, and the United States responded by sending troops under General John J. Pershing into Mexico. It is said that total miles of U.S. railroad trackage reached its historic peak.

That same year, something equally revolutionary occurred that contributed to a significant change in the way farming was done in Idaho. In the fall of 1916, inventor, philosopher and engineer Charles F. Kettering from Centerville, OH, designed a self-starter for the Massey-Harris tractor. He did this fellow Ohioan, so that Hamer’s nephew, Thomas Ray Hamer, could operate the tractor and farm his land in St. An-thoniy, Idaho, without the well-known danger posed by the hand-crank.

Thomas Ray Hamer, a Representative in Idaho’s state legislature in 1896, was an attorney and a farmer. He also served in the military, in the First Regiment, Idaho Volunteer Infantry and as a captain and lieutenant colonel in the Philippines. He also served as an associate justice of the Supreme Court of the Philippine Islands. During World War I, he served as a judge advocate general. He spent his later years practicing law in St. Anthony and Boise, ID, and Portland, OR.

It gives me great pleasure to recognize Charles F. Kettering’s significant contribution to Idaho history and Idaho agriculture. Were it not for Kettering’s willingness to help a friend and his creative ingenuity, a great Idahoan may not have gone on to a second successful military career and secured his place in Idaho history. Charles Kettering—at his death, coholder of more than a thousand United States and foreign patents—made by his own words: “With willing hands and open minds, the future will be greater than the most fantastic story you can write.” Kettering’s “willing hands” left their unmistakable handprint on the fields of my State of Idaho.

CONGRATULATING THE GEORGIA LOGISTICS COMMAND

• Mr. ISAKSON, Mr. President, today I congratulate in the RECORD the men and women who serve at the Marine Corps Logistics Command’s Maintenance Center in Albany, GA, for being selected for the second time to receive the Robert T. Mason Depot Maintenance Excellence Award.

The Robert T. Mason Depot Maintenance Excellence Award is named for the former Assistant Deputy Secretary of Defense for Maintenance Policy, Programs and Resources who was a champion of organic depot maintenance for three decades.

In 2005, the Marine Corps Logistics Command’s Maintenance Center in Albany, GA, was the inaugural winner of this award for Depot Maintenance Excellence. That year’s recipient was the Design and Manufacture Vehicle Armor Protective Kits Program of the Maintenance Center in Albany, Georgia, for its support of the Global War on Terror. This program provided protective armor kits for U.S. Marine Corps combat vehicles, allowing the Marines to be a more effective fight force and had a direct impact on their safety and morale.

This year, the award went to the Dedicated Design and Prototype Effort Team of the Maintenance Center in Albany, Georgia. They provide exceptional and responsive maintenance support by demonstrating the ability to be responsive, resourceful, agile and creative by designing and prototyping multiple systems in support of Operation Iraqi Freedom.

I am pleased to acknowledge the great achievement of these men and women of the Marine Corps Logistics Command’s Maintenance Center who provide support for our men and women fighting the global war on terror.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, 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.

(General statement)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2084. An original bill to promote school safety, improved law enforcement, and for other purposes (Rept. No. 110-183).

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. CARPER (for himself and Mr. SUNUNU): S. 325. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization affects interstate commerce; to the Committee on the Judiciary.

By Mr. LEAHY: S. 2084. An original bill to promote school safety, improved law enforcement, and for other purposes; from the Committee on the Judiciary; placed on the calendar.

By Mr. BROWN (for himself and Mr. VOINOVICh): S. 2085. A bill to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. COCHRAN, Mr. VOINOVICh, and Mr. SALARAK):

S. Res. 325. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Health, Education, Labor, and Pensions.

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ADDITIONAL COSPONSORS

S. 45  
At the request of Mr. ENNIS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 45  
At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. PHYOR) was added as a cosponsor of S. 45, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 458  
At the request of Mrs. LINCOLN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 502  
At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates.

S. 502  
At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 921  
At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 922  
At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 922, a bill to amend title XVIII of the Social Security Act to authorize physicians to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 960  
At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 960, a bill to establish the United States Public Service Academy.

S. 1382  
At the request of Mr. REED, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Mr. CARDIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1445  
At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. SAXBE) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1589  
At the request of Mr. ISAKSON, his name was withdrawn as a cosponsor of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1841  
At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1841, a bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes.

S. 1895  
At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1909  
At the request of Mr. ISAKSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1909, a bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle removal, decontamination, and disposal devices and the disposal of needles and syringes through a sharps-by-mail or similar program under part D of the Medicare program.

S. 1958  
At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1995  
At the request of Mr. SALAZAR, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2054  
At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2054, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2054  
At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2054, a bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes.

AMENDMENT NO. 2067  
At the request of Mr. KENNEDY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) 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. 2158  
At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 2158 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. 2872  
At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 325—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. ISAKSON (for himself, Mr. COCHRAN, Mr. VOINOVICH, and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee
on Health, Education, Labor, and Pensions:

S. Res. 325

Whereas an estimated 12,400 children are diagnosed with cancer each year;
Whereas cancer is the leading cause of death by disease among children;
Whereas an estimated 2,500 children die from cancer each year;
Whereas the incidence of cancer among children in the United States is rising by about 1 percent each year;
Whereas 1 in every 330 people in the United States develops cancer before age 20;
Whereas the estimated 1 in 500 children and 1 in 3,000 adolescents who die each year have a history of cancer;
Whereas the incidence of cancer among children continues to increase, with about 1 in 640 adults between ages 20 to 39 having a history of cancer;
Whereas up to 4% of childhood cancer survivors experience at least 1 late effect from treatment, which may be life-threatening;
Whereas some late effects of cancer treatment can be identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and have serious consequences; and
Whereas 89 percent of children with terminal cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about—
   (A) the incidence of cancer among children;
   (B) the signs and symptoms of cancer in children; and
   (C) options for the treatment of, and long-term follow-up for, childhood cancers;
(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;
(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;
(4) policies that provide incentives to encourage the development of drugs and biologicals designed to treat pediatric cancers;
(5) policies that encourage participation in clinical trials;
(6) medical education curricula designed to improve pain management for cancer patients;
(7) policies that enhance education, services, and other resources related to late effects from treatment; and
(8) grassroots efforts to promote awareness and support research for cures for childhood cancer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3022. Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gang crimes, 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.

TEXT OF AMENDMENTS

S. 3022.

Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gang crimes, 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.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Ms. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 26, 2007, at 10 a.m., to conduct an executive business meeting to consider the Nomination of Robert C. Tapella of Virginia, to be Public Printer, Government Printing Office; and the nominations of Steven T. Walther of Nevada, David M. Mason of Virginia, Robert D. Lenhard of Maryland, and Hans von Spakovsky of Georgia to be members of the Federal Election Commission.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee.

RECOGNIZING THE ACHIEVEMENTS OF THE PEOPLE OF UKRAINE

Mr. CASEY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 320, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. The bill will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 320) recognizing the achievements of the people of Ukraine in the democratic movement, in the defense of human rights, and in the promotion of peace, security, and democracy in Europe and the world.

Resolved, That it is the sense of the Senate—

(1) acknowledges the cooperation and friendship between the people of the United States and the people of Ukraine since the restoration of Ukraine’s independence in 1991 and the natural affections of the millions of Americans whose ancestors emigrated from Ukraine;
(2) expresses the admiration of the American people for the ongoing success of the Ukrainian people at removing violence from politics, for which Ukrainians should be proud, in particular the free and fair parliamentary elections of December 26, 2004, and the presidential elections of March 26, 2006;
(3) encourages the people of Ukraine to maintain the democratic achievements of the Orange Revolution of 2004, and expresses the hope that the leaders of Ukraine will conduct the September 30, 2007, elections in the democratic manner that the people of Ukraine have come to expect and for which Ukrainians should be proud;
(4) urge the leaders and parties of Ukraine to overcome past differences and work together constructively to enhance the economic and political stability of the country that the people of Ukraine have chosen to support; and
(5) pledges the continued assistance of the United States to the continued progress and further development of a free and representative democratic government in Ukraine based on the rule of law and the principle of human rights.

GANG ABATEMENT AND PREVENTION ACT OF 2007

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 290, S. 456.

The PRESIDING OFFICER. The bill will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 456) to increase and enhance law enforcement resources committed to investigation and prosecution of violent gang crimes, 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.

There being no objection, the Senate proceeded to consider the bill, which
had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Gang Abatement and Prevention Act of 2007’’.

SEC. 2. TABLE OF CONTENTS.
The table of contents of this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, AND LOCAL GANGS THAT AFFECT INTER- AND FOREIGN COMMERCE

Sec. 101. Revision and extension of penalties related to criminal street gang activity.

Sec. 310. Expansion of Federal witness relocation and protection program.

Sec. 311. Family abduction prevention grant program.

Sec. 312. Study on adolescent development and sentences in the Federal system.

Sec. 313. National youth anti-heroín media campaign.

Sec. 314. Training at the national advocacy center.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.


Sec. 405. Innocence crime prevention and intervention strategy grants.

SEC. 3. FINDINGS.
Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in the United States is on the rise, with a 2.2 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent jump during the first 6 months of 2006, and the Police Executive Research Forum reports that, among jurisdic-
tions providing information, homicides are up 10.21 percent, robberies are up 12.27 percent, and aggravated assaults with firearms are up 9.98 percent since 2004;

(3) these disturbing rises in violent crime are attributable in large part to the spread of criminal street gangs and the willingness of gang members to commit acts of violence and drug trafficking offenses;

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(5) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(6) gang presence and intimidation, and the organized and repetitive nature of the crimes that gangs and gang members commit, has a pernicious effect on the free flow of interstate commercial activities and directly affects the freedom and security of communities plagued by gang activity, diminishing the value of property, inhibiting the desire of national and multinational corporations to transact business in those communities, and in a variety of ways directly and substantially affecting interstate and foreign commerce;

(7) gangs often recruit and utilize minors to engage in acts of violence and other serious offenses out of a belief that the criminal justice systems are more lenient on juvenile offenders;

(8) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(9) gangs prey upon and incorporate minors into their ranks, exploiting the fact that adolescents have immature decision-making capacity, therefore, gang activity and recruitment can be reduced and deterred through increased vigilance, appropriate criminal penalties, partner-
ships between Federal and State and local law enforcement, and proactive prevention and intervention efforts, particularly targeted at ju-
venile families and gang-related mentors, prior to and even dur-
ing gang involvement;

(10) State and local prosecutors and law enforce-
ment officers, in hearings before the Com-
mittee on the Judiciary of the Senate and else-
where, have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang violence;

(11) because State and local prosecutors and law enforcement have the expertise, experience,
Sec. 202. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In General.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"§ 218. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In General.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year and is not another offense under this title, shall be punished by a fine and imprisonment for not more than 20 years; and

(b) by striking ‘‘five years’’ and inserting ‘‘10 years’’; and

(c) by adding ‘‘at the end; and’’ after striking paragraphs (5) and (6) and inserting the following:

‘‘(7) for attempting or conspiring to commit any offense described in paragraphs (1) and (2) of section 848 of title 21, United States Code, the maximum term of imprisonment is 20 years.’’;

(b) CLERICAL AMENDMENT.—The table of sections for title 21 is amended by adding at the end the following heading:

"§ 848. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In General.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year and is not another offense under this title, shall be punished by a fine and imprisonment for not more than 20 years; and

(b) by striking ‘‘five years’’ and inserting ‘‘10 years’’; and

(c) by adding ‘‘at the end; and’’ after striking paragraphs (5) and (6) and inserting the following:

‘‘(7) for attempting or conspiring to commit any offense described in paragraphs (1) and (2) of section 848 of title 21, United States Code, the maximum term of imprisonment is 20 years.’’;

(b) CLERICAL AMENDMENT.—The table of sections for title 21 is amended by adding at the end the following heading:

"§ 848. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In General.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year and is not another offense under this title, shall be punished by a fine and imprisonment for not more than 20 years; and

(b) by striking ‘‘five years’’ and inserting ‘‘10 years’’; and

(c) by adding ‘‘at the end; and’’ after striking paragraphs (5) and (6) and inserting the following:

‘‘(7) for attempting or conspiring to commit any offense described in paragraphs (1) and (2) of section 848 of title 21, United States Code, the maximum term of imprisonment is 20 years.’’;

(b) CLERICAL AMENDMENT.—The table of sections for title 21 is amended by adding at the end the following heading:

"§ 848. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In General.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year and is not another offense under this title, shall be punished by a fine and imprisonment for not more than 20 years; and

(b) by striking ‘‘five years’’ and inserting ‘‘10 years’’; and

(c) by adding ‘‘at the end; and’’ after striking paragraphs (5) and (6) and inserting the following:

‘‘(7) for attempting or conspiring to commit any offense described in paragraphs (1) and (2) of section 848 of title 21, United States Code, the maximum term of imprisonment is 20 years.’’;
(3), by inserting after “that the person com-
mited” the following: “an offense under section (g)(1) (where the underlying conviction
is a drug trafficking crime or crime of violence (as de-
fined in section 924(c)(3), (g)(2), (g)(3), (g)(4), (g)(5), (g)(6), (g)(9), (g)(10), or (g)(11) of section 922),

SEC. 204. STATUTE OF LIMITATIONS FOR VIO-
LENT CRIME.

(a) I N GENERAL.—Chapter 212 of title 18, United States Code, is amended by adding at the end the following:

“§3922A. Violent crime offenses

No person shall be prosecuted, tried, or punished for any noncapital felony crime of vio-
lence, including any racketeering activity or gang activity, that constitutes any violent crime
unless, the indictment is found or the infor-
mation is instituted not later than 10 years
after the date on which the alleged violation occu-
rred, or the continuing offense was com-
mpleted.”

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 212 of title 18, United States Code, is amended by adding at the end the following:

“§3922A. Violent crime offenses.”

SEC. 205. STUDY OF HEARSE EXCEPTION FOR CRIMES COMMITTED BY WRONGDOING.

The Judicial Conference of the United States
shall study the necessity and desirability of amending title 28 of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing
would make the declarant unavailable.

SEC. 206. POSSESSION OF FIREARMS BY DANG-
EROUS FELONS.

(a) I N GENERAL.—Section 924(c) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following:

“(A) in the case of 1 such prior conviction,
where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from
imprisonment for that conviction, be imprisoned for not more than 15 years, fined under this title, or both.

(b) CLERICAL AMENDMENT.—The Judicial Conference of the United States
shall study the necessity and desirability of amending title 28 of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

SEC. 209. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.

The Attorney General is authorized to con-
duct media campaigns in any area designated as
a high intensity gang activity area under sec-
tion 301 and any area with existing emerg-
ing problems with gangs, as needed, to educate individuals in that area about the changes in
criminal penalties made by this Act, and shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding all expenditures and all other aspects of the media
campaign.

SEC. 210. STATUTE OF LIMITATIONS FOR TER-
RORIST OFFENSES.

Section 3286(a) of title 18, United States Code, is amended—

(1) in the subsection heading, by striking “§1951(b),” and inserting “§1951(b),”

SEC. 211. CRIMES COMMITTED IN INDIAN COUN-
TRY OR EXCLUSIVE FEDERAL JURIS-
DICTION AS RACKETEERING PREDI-
CATES.

Section 1962(C) of title 18, United States Code, is amended by inserting “, or would have been so chargeable if the act or threat (other than gambling) had not been committed in In-
dian country (as defined in section 1151) or in any other area of exclusive Federal jurisdic-
tion,” after “chargeable under State law”.

SEC. 212. PRECEDENT COURT OR AUTHORIZA-
TION OF INTERCEPTION OF WIRE,
ORAL, AND ELECTRONIC COMMU-
NICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking “or” and the end of paragraph (p)
and inserting “(p),”

(b) CONFORMING AMENDMENT.—Section 1512 is amended—

(2) by redesigning paragraph (s) as para-
graph (u); and

(3) by inserting after paragraph (r) the fol-
lowing:

“(s) any violation of section 242 of the Con-
trolled Substances Act (relating to murder and other violent crimes in furtherance of a drug
trafficking crime);”

“(t) any violation of section 522, 523, or 524
(relating to criminal street gangs); or”

SEC. 213. CLARIFICATION OF HOBBS ACT.

Section 1516(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “including
the unlawful impersonation of a law enforce-
ment officer (as defined in section 245(c) of this title),” after “by means of actual or threat-
ed force,”

(b) CLERICAL AMENDMENT.—The Judicial Conference of the United States
shall study the necessity and desirability of amending title 28 of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

SEC. 208. AMENDMENTS RELATING TO VIO-
LANT CRIME.

(a) CRIMJACKING.—Section 2199 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by stripping “, with the intent” and all that follows through “to do so, shall” and inserting “know-
ingly takes a motor vehicle in violation of this
section with intent to cause death or serious bodily injury, and” before “death results”;

(b) CLARIFICATION AND STRENGTHENING OF PROHIBITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG CRIME OR CRIME OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

“(a) No person shall knowingly transfers a firearm that has moved in or that otherwise affects interstate or foreign commerce, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be fined under this title and imprisoned not more than 20 years.

(c) AMENDMENT OF SPECIAL SENTENCING PRO-
VISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting “crim-
al street gang prosecutions) or in” after “fel-
ony set forth in”; and

(2) by inserting “a criminal street gang or” before “an illegal enterprise”.

SEC. 214. INTERSTATE TAMPERING WITH OR RE-
TALIATION AGAINST A WITNESS, VIC-
TIM, OR INFORMANT IN A STATE CRIMINAL PROCEEDING.

(a) I N GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1511 the following:

“(9) Interstate tampering with or retali-
ation against a witness, victim, or informant in a State criminal proceeding

“(a) I N GENERAL.—It shall be unlawful for any person

(1) to travel in interstate or foreign com-
merce, or to use the mail or any facility in inter-
state or foreign commerce, or to employ, use, command, counsel, persuade, induce, or coerce any individual to do the same, with the intent to

“(A) use or threaten to use any physical force against any witness, victim, or informant; or other participant in a State criminal proceeding in an effort to influence or prevent participation in such proceeding, or to retaliate against such in-
dividual for participating in such proceeding; or

“(B) threaten, influence, or prevent from tes-
tifying any actual or prospective witness in a State criminal proceeding;

(2) to attempt or conspire to commit an of-
fense under subparagraph (A) or (B) of para-
graph (1).

(b) PENALTIES.—Any person who violates subsection (a)(1) by use of force—

“(A) shall be fined under this title, imprisoned not more than 20 years, or both; and

“(B) if death, kidnapping, or serious bodily injury results, shall be fined under this title, im-
prisoned for any term of years or for life, or both.

(2) OTHER VIOLATIONS.—Any person who violates subsection (a)(1) by threatened use of force or violates paragraph (1)(B) or (2) of this subsection shall be fined under this title, imprisoned not more than 10 years, or both.

(c) VENUE.—A prosecution under this section may be brought in the district in which the offi-
cer or employee (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the court constituting the alleged offense oc-
urred.

(b) CONFORMING AMENDMENT.—Section 1512 is amended, by inserting in the section heading, at addition
the end the following: ‘IN A FEDERAL PROCEEDING’.

(c) CHAPTER ANALYSIS.—The table of sections for chapter 73 of title 18, United States Code, is amended by adding at the end:

(1) by striking the item relating to section 1512 and inserting the following: ‘‘1512A. Interstate tampering with or retaliation against a witness, victim, or informant in a Federal proceeding.’’;

and

(2) by inserting after the item relating to section 1513 the following: ‘‘1513A. Tampering with a witness, victim, or informant in a State criminal proceeding.’’;

SEC. 215. PROHIBITION ON FIREARMS POSSESSION BASED ON VALID GANG INJUNCTION AND CONVICTION FOR GANG-RELATED MISDEMEANOR.

(a) In General.—Section 922(g)(4) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ‘‘or’’ at the end;

(2) in paragraph (9), by striking the comma at the end and inserting a semicolon;

and

(3) by inserting after paragraph (9) the following:

‘‘(10) who has been convicted in any court of a misdemeanor gang-related offense; or

(11) who otherwise has, within the last 5 years, been found by any court to be in contempt of a gang injunction order, so long as the finding of contempt was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate and challenge the sufficiency of process and the constitutional validity of the underlying gang injunction order.’’;

(b) D EFINITION.—Section 922(a)(1) of title 18, United States Code, is amended by adding at the end the following: ‘‘(A) The term ‘misdemeanor gang-related offense’ means an offense that—

‘‘(i) is a misdemeanor under Federal, State, or tribal law; and

‘‘(ii) has, as an element, the membership of the defendant in a criminal street gang, illegal association with a criminal street gang, or participation in a criminal street gang activity.

(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter unless—

‘‘(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

‘‘(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

‘‘(aa) the case was tried by a jury; or

‘‘(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, knowingly plea or otherwise.

‘‘(I) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such circumstances, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

‘‘(G) ‘‘The term ‘gang injunction order’ means a court order that—

‘‘(A) names the defendant as a member of a criminal street gang; and

‘‘(B) requires the defendant from associating with other gang members.’’;

SEC. 216. AMENDMENT OF SENTENCING GUIDELINES.

(a) In General.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and policy statements to conform with this title and the amendments made by this title.

(b) Recommendations.—In carrying out this section, the United States Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, to reflect new or revised criminal offenses under this title and the amendments made by this title;

(2) consider the extent to which the guidelines and policy statements address—

(A) whether the guidelines offense levels and enhancements—

(1) are sufficient to deter and punish such offenses; and

(2) are adequate in view of the statutory increases in penalties contained in this title and the amendments made by this title; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase penalties for the offenses set out in this title and the amendments made by this title;

(3) ensure that specific offense characteristics are added to increase the guideline range—

(A) by at least 2 offense levels, if a criminal defendant commits a gang recruiting offense and the victim was an alien who was present in the United States in violation of section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326) at the time the offense was committed; and

(B) by at least 4 offense levels, if such defendant had been removed or deported under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime;

(4) determine whether and in what circumstances a sentence of imprisonment imposed under this title or the amendments made by this title shall run consecutively to any other sentence of imprisonment imposed on the same conviction, except that the Commission shall ensure that a sentence of imprisonment imposed under section 424 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by this Act, shall run consecutively, to an extent that the Sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(5) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) ensure reasonableness, given any other relevant directives, other sentencing guidelines, and statutes;

(7) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(8) ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a) of title 18, United States Code.

TITLE III—INCREASED FEDERAL RESOURCES TO DETECT AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY GANG ACTIVITY AREAS.

(a) DEFINITION.—In this section:

(1) GOVERNOR.—The term ‘‘Governor’’ means a Governor of a State, the Mayor of the District of Columbia, the tribal leader of an Indian tribe, or the chief executive of a Commonwealth, territory, or possession of the United States.

(2) HIGH INTENSITY GANG ACTIVITY AREA.—The term ‘‘high intensity gang activity area’’ means an area within 1 or more States or Indian country that is designated as a high intensity gang activity area under paragraph (b)(1).

(3) INDIAN COUNTRY.—The term ‘‘Indian country’’ has the meaning given the term in section 1151 of title 18, United States Code.

(b) DESIGNATION.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity gang activity areas, spaces located within 1 or more States, which may consist of 1 or more municipalities, counties, or other jurisdictions as appropriate.

(c) TECHNICAL AND OTHER ASSISTANCE.—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(1) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gang involvement; and

(iv) the reasons for the need, in consultation from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(2) direct the reassignment or detailing of representatives from—

(i) the Department of Justice;

(ii) the Department of Education;

(iii) the Department of Health and Human Services;

(iv) the Department of Housing and Urban Development; and

(vi) any other Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) to high intensity gang activity area to identify and coordinate efforts to access Federal programs and resources available to provide gang prevention, intervention, and reentry assistance;

(3) prioritize and administer the Federal programs and resources required for each local collaborative working group established under subparagraph (A) for each high intensity gang activity area.

(c) STATE.—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(1) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gang involvement; and

(iv) the reasons for the need, in consultation from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(d) TECHNICAL AND OTHER ASSISTANCE.—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(1) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gang involvement; and

(iv) the reasons for the need, in consultation from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(d) TECHNICAL AND OTHER ASSISTANCE.—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(1) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gang involvement; and

(iv) the reasons for the need, in consultation from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;
under paragraph (2) shall consist of agents and officers, where feasible, from—
(A) the Federal Bureau of Investigation;
(B) the Drug Enforcement Administration;
(C) the Alcohol, Tobacco, Firearms, and Explosives;
(D) the United States Marshals Service;
(E) the Department of Homeland Security;
(F) the Department of Housing and Urban Development;
(G) State, local, and, where appropriate, tribal law enforcement;
(H) Federal, State, and local prosecutors; and
(I) the Bureau of Indian Affairs, Office of Law Enforcement Services, where appropriate.

(4) DESIGNATION.—In considering an area for designation as a high intensity gang activity area under this section, the Attorney General shall—
(A) the current and predicted levels of gang crime activity in the area;
(B) the extent to which qualitative and quantitative data indicate that violent crime in the area is related to criminal street gang activity, such as murder, robbery, assaults, carjacking, arson, kidnapping, extortion, drug trafficking, and other criminal activity;
(C) the extent to which State, local, and, where appropriate, tribal law enforcement agencies, schools, community groups, social service agencies, faith-based organizations, and other organizations have committed resources to—
(i) respond to the gang crime problem; and
(ii) participate in a gang enforcement team;
(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area;
(E) any other criteria that the Attorney General considers to be appropriate.

(5) RELATION TO HIDTA.—If the Attorney General establishes a high intensity gang activity area that substantially overlaps geographically with any existing high intensity drug trafficking area (in this section referred to as a ‘‘HIDTA’’), the Attorney General shall direct the local collaborative working group for that high intensity gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that—
(A) the Executive Board of that HIDTA shall establish a separate high intensity gang activity area law enforcement steering committee, and select for Federal, State, and local law enforcement agencies that are within the geographic area of that high intensity gang activity area) the members of that committee, subject to the concurrence of the Attorney General;
(B) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of high intensity gang activity area members of the committee established pursuant to the Crime Stoppers Program of the Criminal Street Gang Enforcement Team, in accordance with paragraph (3); and
(C) the Criminal Street Gang Enforcement Team shall be considered a high intensity gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of the HIDTA with which it substantially overlaps, utilize the members of the committee, and the other resources of that HIDTA.

(c) REPORTING REQUIREMENTS.—
(1) IN GENERAL.—Not later than December 1 of each year, the Attorney General shall submit to the Senate and the Director of the Office of Management and Budget and the Domestic Policy Council that describes, for each designated high intensity gang activity area—
(A) the specific long-term and short-term goals and objectives, and strategies, and performance measures undertaken in achieving the long-term and short-term goals;
(B) the measurements used to evaluate the performance of the high intensity gang activity area in achieving the long-term and short-term goals;
(C) the age, composition, and membership of gangs;
(D) the number and nature of crimes committed by gangs and gang members;
(E) the definition of the term ‘‘gang’’ used to compile that report;
(F) the programmatic outcomes and funding need of the high intensity gang area, including—
(i) an evidence-based analysis of the best practices and outcomes from the work of the relevant local collaborative working group; and
(ii) an analysis of whether Federal resources distributed meet the needs of the high intensity gang activity area and, if any programmatic funding shortfalls exist, recommendations for programs or funding to meet such shortfalls.

(2) APPROPRIATE COMMITTEES.—In this subsection, the term ‘‘appropriate committees of Congress’’ means—
(A) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and
(B) the Committee on the Judiciary, the Committee on Appropriations, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

(d) ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS.—The Attorney General is authorized to hire 97 additional United States attorneys, and nonattorney coordinators and paralegals as necessary, to carry out the provisions of this section.

(e) ADDITIONAL DEFENSE COUNSEL.—In each of the fiscal years 2008 through 2012, the Director of the Administrative Office of the United States Courts is authorized to hire 71 additional attorneys, nonattorney coordinators, and investigators, as necessary, in Federal Defender Programs and Federal Community Defender Organizations, and to make additional payments as necessary to retain appointed counsel under section 3006A of title 18, United States Code, to adequately respond to any increased or expanded caseloads that may occur as a result of this Act. Funding under this subsection shall not exceed the levels under subsection (d).

(f) NATIONAL DEMONSTRATION SITES.

(1) IN GENERAL.—The Office of Justice Programs of the Department of Justice, after consulting with relevant law enforcement officials, practitioners and researchers, shall establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the ‘‘Institute’’).

(2) ACTIVITIES.—The Institute shall—
(A) promote and facilitate the implementation of data-driven, effective gang violence suppression, prevention, and reentry strategies and models, such as the Operation Ceasefire model, the Strategic Public Health Approach, the Gang Reduction Program, or any other promising or emerging strategies designed to address community-wide strategies that are demonstrated to be effective in reducing gang violence;
(B) conduct and report on academic, timely research on effective models and designing and implementing effective local strategies, including programs that have objectively demonstrated that they reduce violence at the community-wide level (including shootings and killings), using prevention, outreach, and community approaches, and that demonstrate the efficacy of these approaches;
(C) provide and contract for technical assistance as needed in support of its mission.

(3) NATIONAL CONFERENCE.—Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to reduce and prevent gang violence, to teach and promote strategies, intervention, and reentry strategies. The conference shall be attended by appropriate representatives from criminal street gang enforcement, local collaborative working groups, including representatives of educational, community, religious, and social service organizations, and gang program and policy research evaluators.

(4) NATIONAL DEMONSTRATION SITES.—Not later than 120 days after the date of its formation, the Institute shall select appropriate HIDTAs for national demonstration sites, based on the nature, concentration, and distribution of various gang types, the jurisdiction’s established capacity to integrate prevention, intervention, re-entry and enforcement efforts, and the range of particular gang-related issues. After establishing primary national demonstration sites, the Institute shall establish such other secondary sites, to be linked to and receive evaluation, research, and technical assistance through the primary sites, as it determines appropriate.

(5) DISSEMINATION OF INFORMATION.—Not later than 180 days after the date of its formation, the Institute shall develop and begin dissemination of information to effectively reduce and prevent gang violence, including guides, research and assessment models, case studies, evaluations, and best practices. The Institute shall also disseminate information to the support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(6) GANG INTERVENTION ACADEMIES.—Not later than 6 months after the date of its formation, the Institute shall develop and begin disseminating of information to effectively reduce and prevent gang violence, including guides, research and assessment models, case studies, evaluations, and best practices. The purposes of an academy established under this paragraph shall be to increase professionalism of gang intervention workers, improve officer training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(7) SUPPORT.—The Institute shall obtain initial and continuing support from experienced researchers and practitioners, as it determines necessary, to test and assist in implementing its strategies nationally, regionally, and locally.

(8) RESEARCH AGENDA.—The Institute shall establish and implement a core research agenda designed to address areas of particular challenge, including—
(A) how best to apply and continue to test the models described in paragraph (2) in particular large jurisdictions;
(B) how to foster and maximize the continuing impact of community moral voices in this context;
(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and
(D) how to approach and implement intervention framework to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS-13.

(9) C RITERIA.—The Institute of Justice shall evaluate, on a continuing basis, comprehensive gang violence prevention, intervention, suppression, and reentry strategies supporting the results of these evaluations by no later than October 1 each year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(10) FUNDS.—The Attorney General shall use not less than 3 percent, and not more than 5 percent of the funding levels under subsection (d).
percent, of the amounts made available under this section to establish and operate the Institute.

(g) Use of Funds.—Of amounts made available under this section for each fiscal year that are remaining after the costs of hiring a full time coordinator for the local collaborative working group, 50 percent shall be used for the establishment and operation of criminal street gang enforcement teams; and (2) 30 percent shall be used—

(A) for the hiring of personnel, including law enforcement, faith-based organizations, schools, and social workers.

S11960

CONGRESSIONAL RECORD—SENATE

September 21, 2007

SEC. 302. GANG PREVENTION GRANTS.—

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice may make grants, in accordance with such regulations as the Attorney General may prescribe, to States, units of local government, tribal governments, and qualified private entities, to develop community-based programs that provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth.

(b) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) for—

(1) initial gang recruitment and involvement among younger teenagers;

(2) reducing gang involvement through non-violent and constructive activities, such as community service programs, development of non-violent conflict resolution skills, employment and legal assistance, family counseling, and other such community-based alternatives for high-risk youth;

(3) developing in-school and after-school gang safety, control, education, and resistance procedures, and programs as expended; and

(4) identifying and addressing early childhood risk factors for gang involvement, including parent training and childhood skills development; (5) identifying and fostering protective factors that buffer children and adolescents from gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) implementing regional, multidisciplinary approaches to combat gang violence through coordinated programs for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including regional gang task forces and regional crime mapping strategies that target gang activity, and other planning and re-integration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborative enforcement working groups, faith-based organizations, schools, and social workers.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed $1,000,000.

(2) CONSULTATION AND COOPERATION.—Each recipient of a grant under this section shall have in effect on the date of the application by that entity agreements to consult and cooperate with local, State, or Federal law enforcement and participation in coordinated efforts to reduce gang activity and violence.

(d) ANNUAL REPORT.—Each recipient of a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report containing—

(1) a summary of the activities carried out with grant funds for each year during which the recipient received funds;

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the recipient;

(3) a strategic plan for the following year described in paragraph (1);

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

(5) such other information as the Attorney General may require.

(e) DEFINITION.—In this section, the term “units of local government” includes sheriffs departments, police departments, and local prosecutor offices.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $35,000,000 for each of the fiscal years 2008 through 2012.

SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT CRIME.—

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district; and

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.—

(1) IN GENERAL.—The Attorney General may hire Assistant United States attorneys, non-attorneys, law enforcement officers, and other such personnel as necessary to carry out the provisions of this section.

(2) ENFORCEMENT.—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents and, otherwise expended additional resources in support of the Project Safe Neighborhoods/Firearms Violence Reduction program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.—

(a) EXPANSION OF SAFE STREETS PROGRAM.—The Attorney General is authorized to expand the Safe Streets Program of the Federal Bureau of Investigation for the purpose of supporting criminal street gang enforcement teams.

(b) NATIONAL GANG DATABASE.—

(1) IN GENERAL.—The Attorney General shall establish a National Gang Activity Database to

be housed at and administered by the Department of Justice.

(2) DESCRIPTION.—The database required by paragraph (1) shall—

(A) be designed to disseminate gang information to law enforcement agencies throughout the country and, subject to appropriate controls, to desktops for appropriate use by other members of the criminal justice system, community leaders, academics, and the public;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving and reducing gang-related crimes;

(C) operate in a manner that enables law enforcement agencies to—

(i) identify gang members involved in crimes; (ii) track the movement of gang members and groups throughout the region;

(iii) coordinate law enforcement response to gangs;

(iv) enhance officer safety; and

(v) provide realistic, up-to-date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence;

(D) be subject to guidelines, issued by the Attorney General, specifying the criteria for adding information to the database, the appropriate period for the retention of such information, and a process for removing individuals from the database, and prohibiting disseminating gang information to any entity that is not a law enforcement agency, except aggregate statistical information where appropriate.

(3) USE OF RISS SECURE INTRANET.—From amounts made available to carry out this section, the Attorney General shall provide the Regional Information Sharing Systems such sums as are necessary to use the secure intranet known as RISSNET to electronically connect existing gang information systems (including the RISS/Gang National Gang Database) with the National Gang Activity Database, thereby facilitating the automated information exchange of existing gang data by all connected systems without the need for additional databases or data replication.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $20,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO Combat VIOLENT CRIME.—

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (4), by striking “and” and adding “or” at the end of paragraph (4), by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

“(5) to hire additional prosecutors to—

(A) conduct additional investigations and prosecutions; and

(B) reduce backlogs; and

(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows: “SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.”.”
SEC. 306. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.

(a) EXPANSION—Section 203(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: “The Administrator shall expand the number of sites receiving such grants from 4 to 12.”

(b) AUTHORIZATION OF PROGRAM.—Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674(c)) is amended—

(1) by striking “There are authorized” and inserting “The Attorney General shall submit an application in such a manner as to carry out this section in each of the fiscal years 2010 through 2012.”

SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Attorney General may make grants to public or nonprofit private entities (including, but not limited to, faith-based organizations) for the purpose of assisting the entities in carrying out projects involving innovative approaches to combat gang activity.

(b) ELIGIBILITY.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention.

(2) Establishing programs to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Facilitating communication between parents and schoolically programs that have been evaluated and proven effective.

(5) MATCHING FUNDS.—(1) IN GENERAL.—The Attorney General may make a grant under this section only if the entity receiving the grant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward the cost of activities to be performed with that grant in an amount that is not less than 25 percent of such costs.

(2) TERRITORY OR POSSESSION.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services furnished by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(c) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under subsection (a).

(2) GRANTEES.—A grant may be made under subsection (a) only if the entity involved in the evaluation reports to the Attorney General that the evaluation results describe the effects of the evaluations, as the Attorney General determines to be appropriate.

(3) ALLOCATIONS.—The Attorney General shall submit to the Attorney General, in the application for a grant under subsection (a), a plan for conducting the evaluations.

(4) APPLICATION FOR GRANT.—A public or nonprofit private entity desiring a grant under this section shall submit an application in such form, in such manner, and containing such agreements, assurances, and information (including, but not limited to, under subsection (a) and (d) and the plan under subsection (d)(2)(C)) as the Attorney General determines appropriate.

(j) REPORT TO CONGRESS.—Not later than February 1 of each year, the Attorney General shall submit to Congress a report describing the extent to which the approaches under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the approaches have been carried out. Each report under this subsection shall describe the various approaches under subsection (a), and the effectiveness of each of the approaches.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of the fiscal years 2008 through 2012.

SEC. 308. SHORT-TERM STATE WITNESS PROTECTION PROGRAM.

(a) ESTABLISHMENT.—(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

“§570. Short-Term State Witness Protection Program

(1) IN GENERAL.—There is established in the United States Marshals Service a Short-Term State Witness Protection Program which shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor’s offices and the United States attorney for the District of Columbia.

(2) ELIGIBILITY.—

(1) IN GENERAL.—The Short-Term State Witness Protection Program shall give priority in awarding grants and providing services to—

(A) criminal prosecutor’s offices for States with an average of not less than 100 murders per year; and

(B) criminal prosecutor’s offices for jurisdictions that include a city, town, or township with an average violent crime rate per 100,000 inhabitants that is at least the national average.

(2) CALCULATION.—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation during the 5-year period immediately preceding an application for protection.

(3) CHAPTER ANALYSIS.—The chapter analysis for chapter 37 of title 28, United States Code, is amended by striking the items relating to sections 3570 through 3576 and inserting the following:

“§570. Short-Term State Witness Protection Program

(1) IN GENERAL.—The Short-Term State Witness Protection Program shall give priority in awarding grants and providing services to—

(A) criminal prosecutor’s offices for States with an average of not less than 100 murders per year; and

(B) criminal prosecutor’s offices for jurisdictions that include a city, town, or township with an average violent crime rate per 100,000 inhabitants that is at least the national average.

(2) CALCULATION.—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation during the 5-year period immediately preceding an application for protection.”

(b) GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ‘eligible prosecutor’s office’ means a State or local criminal prosecutor’s office or the United States attorney for the District of Columbia; and

(B) the term ‘serious violent felony’ has the same meaning as in section 3559(c)(2) of title 18, United States Code.

(2) GRANTS AUTHORIZED.—(A) IN GENERAL.—The Attorney General is authorized to make grants to eligible prosecutor’s offices for purposes of identifying witnesses in need of protection or providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) ALLOCATION.—Each eligible prosecutor’s office receiving a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including, but not limited to, outreach and media campaigns to educate parents on the dangers of family abductions; and

(ii) pursuant to a cooperative agreement with the Attorney General, in the application for the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor’s office.

(3) IN GENERAL.—Each eligible prosecutor’s office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2008 through 2010.

SEC. 309. WITNESS PROTECTION SERVICES.

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State governments; reimbursement of expenses) is amended by adding at the end the following:

“(c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the investigation or prosecution in any way relates to crimes of violence involving the Use of a Federal office, or the United States Marshals Service a Short-Term State Witness Protection Program.”

SEC. 310. EXPANSION OF FEDERAL WITNESS RELOCATION AND PROTECTION PROGRAM.

Section 3521(a)(1) of title 18 is amended by inserting “criminal street gang, serious drug offenses, homicide,” after “organized criminal activity,”

SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.

(a) STATE GRANTS.—The Attorney General is authorized to make grants to States for projects involved in—

(1) the extradition of individuals suspected of committing a family abduction;

(2) the investigation by State and local law enforcement agencies of family abduction cases; and

(3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;

(b) MATCHING REQUIREMENTS.—(1) GRANTS.—Each application for a grant under this section shall be submitted to the Attorney General with an average violent crime rate per 100,000 inhabitants that is at least the national average.

(2) ELIGIBILITY.—(A) IN GENERAL.—The Short-Term State Witness Protection Program shall give priority in awarding grants and providing services to—

(B) criminal prosecutor’s offices for jurisdictions that include a city, town, or township with an average violent crime rate per 100,000 inhabitants that is at least the national average.

(3) ELIGIBILITY.—In this section—

(A) the term ‘family abduction’ means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.

(4) REPORTING.—The term ‘flagging’ means the process of notifying appropriate authorities of the name and address of any person requesting the school records of an abducted child.

(5) REPORTS.—Each eligible prosecutor’s office desiring a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including, but not limited to, outreach and media campaigns to educate parents on the dangers of family abductions; and

(ii) pursuant to a cooperative agreement with the Attorney General, in the application for the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor’s office.

(3) IN GENERAL.—Each eligible prosecutor’s office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2008 through 2010.”
SEC. 312. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM.

(a) In General.—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) Content.—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system;

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress a report regarding the study conducted under subsection (a), which shall—

(1) include the findings of the Commission;

(2) describe significant cases reviewed as part of the study; and

(3) make recommendations, if any.

(d) Revision of Guidelines.—If determined appropriate, the Commission may revise guidelines and policy statements, as warranted, relating to the sentencing of minors under this Act or the amendments made by this Act.

SEC. 313. NATIONAL CENTER AGAINST HEROIN MEDIA CAMPAIGN.


(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following:

'(2) by inserting after subsection (j) the following:

SEC. 314. TRAINING AT THE NATIONAL ADVOCACY CENTER.

(a) In General.—The National District Attorneys Association may use the services of the National Advocacy Center in Columbia, South Carolina, to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

(b) Training.—The National Advocacy Center in Columbia, South Carolina, may provide comprehensive continuing legal education in the areas of trial practice, substantive legal updates, and support staff training.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General to carry out this section $6,500,000, to remain available until expended, for fiscal years 2007 through 2011.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

SEC. 401. SHORT TITLE.

This title may be cited as the “Prevention Resource and Technical Assistance Act of 2007” or the “PRECAUTION Act”.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) to further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement agencies;

(3) to develop a plan-language, implementation-focused assessment of existing crime and delinquency prevention and intervention strategies that are evidence-based;

(4) to provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) to develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding; and

(6) to reduce the costs that rising violent crime imposes on individuals, communities, and the Federal Government.

SEC. 403. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the National Commission on Public Safety Through Crime Prevention established under section 404(a).

(2) RIGOROUS EVIDENCE.—The term “rigorous evidence” means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term “subcategory” means I of the following categories:

(A) Family and community settings (including public health-based strategies); and

(B) Law enforcement settings (including probation-based strategies).

(4) TO-TIER.—The term “to-tiers” means any strategy supported by rigorous evidence of the desirable, sustained benefits to participants in the strategies to society.

SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) Establishment.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) Members.—(1) In General.—The Commission shall be composed of 9 members, of whom—

(2) shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(3) shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives or a representative of such Assistant Attorney General;

(4) shall be appointed by the majority leader of the Senate, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate; and

(5) shall be appointed by the minority leader of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the minority leader of the House of Representatives.

(c) Quorum.—A majority of the members of the Commission shall constitute a quorum to conduct business of the Commission.

(d) Meetings.—The Commission shall meet at such times and places as the President of the Senate or Speaker of the House of Representatives may direct for the purpose of conducting the business of the Commission.

(e) Terms.—Each member of the Commission shall be entitled to serve for a term of 2 years, and may be reappointed.

(f) Compensation.—Each member of the Commission shall be entitled to compensation at a rate per diem while performing duties on the part of the Commission, from funds available for the purpose for which such member is appointed.

(g) Powers and Duties.—The Commission shall study and make recommendations to the Federal Government about the successful strategies to prevent crime and further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement agencies; and shall have all other powers and duties that are necessary to carry out such duties.

(h) Assistance.—The Commission may request the advice and assistance of such Federal, State, and local agencies as it may determine appropriate, and such agencies shall cooperate with the Commission in carrying out the purposes of this title.

(i) Rules of Procedure.—The Commission shall prescribe rules of procedure for its meetings and the conduct of its business.

(j) Authorization of Appropriations.—There are authorized to be appropriated to the Commission for its expenses such sums as may be necessary to carry out the provisions of this title.
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conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conducts of Commission business, if such rules are not inconsistent with this title or other applicable law.

(5) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) MATTERS INCLUDED.—The study under paragraph (1) shall include:

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the Attorney General of the United States;

(v) the Secretary of the Treasury General of each district;

(vi) the Chief Executive of each State;

(vii) the Director of the Administrative Office of the Courts of each State;

(viii) the Director of the Administrative Office of the United States Courts; and

(ix) the Attorney General of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tiers; and

(II) a brief outline of the keys to successful implementation for each strategy; and

(iii) a list of references and other information on where further information on each strategy can be found;

(iv) recommendations for implementing crime and delinquency prevention and intervention strategies generally;

(v) recommendations for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(vi) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementing top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the National Institute of Justice, the National Academy of Sciences, and the American Bar Association.

(D) recommendations regarding the need for further research and development of the strategy.

(E) PERSONNEL MATTERS.

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 69 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—(A) IN GENERAL.—The chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to executive offices and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of 2⁄3 of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a 2⁄3 affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties for this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.
SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) Grants authorized.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) Grant distribution.—(1) In general.—A grant under this section shall be made for a period of not more than 3 years.

(2) Amount.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(c) Award and set-aside.—(A) In general.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous evaluation of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) Methodology of study.—(i) In general.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) Criteria.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(C) DEDICATED STAFF.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(D) Application.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) Cooperation with the Commission.—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under the strategy was awarded, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

Mr. LEAHY. Mr. President, today the Senate considers The Gang Abatement and Prevention Act of 2007, a bill concerned with the Nation’s growing gang problem. I want to thank Senator FEINSTEIN for her tireless work on this issue over many years and, in particular, for working diligently with me to address my concerns and to formulate what I hope we all agree is an even better gang bill.

Violent crime in America is again on the rise. This troubling news is in my view at least in part the result of the Bush administration’s failure to heed the lessons learned from our successful fight against crime in the 1990s. Congress and the Clinton administration provided significant new funding to strengthen State and local law enforcement and supported programs to prevent gang and youth violence. Our efforts worked. Studies have repeatedly shown that violent crime and gang offenses steadily dropped to historic lows. But the Bush administration chose a different course, and, despite warnings from me and others, has repeatedly cut funding for State and local law enforcement and community programs targeting the prevention of youth crime.

I hope that this bill will be part of a return to productive law enforcement strategies that worked so well in the past. I share the views expressed at the hearing in June by Los Angeles Police Chief William J. Bratton that “we can’t arrest our way out of our gang crime problem.” As those who have worked on this issue for years know all too well, we need our commitment to law enforcement with an equal commitment to intervention and prevention as a means of curbing gang violence. Neither strategy works without the other, and I believe, as so many law enforcement and civil leaders do, that any legislative proposal to address gang violence must focus on new means to prevent youth and gang violence. I am glad that Senator FEINSTEIN’s bill now reflects these priorities.

The Gang Abatement and Prevention Act of 2007 will provide significant improvement over earlier gang legislation. It does not contain the death penalties, mandatory minimums, and expansive juvenile transfer provisions that were among my strongest objections to some past proposals. Further, Senator FEINSTEIN has worked with me and others to ensure that this bill will provide some of the resources necessary to reverse the trend of this administration, which have neglected the officers who combat gang violence on a daily basis and the organizations that work to keep children out of gangs. I particularly appreciate provisions in the bill to provide up to $1 billion over 10 years to support collaborative law enforcement and community prevention efforts, with a significant portion of that amount going to civic groups for innovative prevention programs that truly work to reduce gang violence.

I have long said that I don’t believe that sweeping new Federal crimes, which federalize the kind of street crime that States have traditionally addressed and can handle with the right resources and the right way to go. The bill still contains more emphasis on federalizing crime and mandating sentences than I would like. But I have tried to work with Senator FEINSTEIN to reduce its impact in the sphere of criminal activity traditionally handled by the States and to focus on the most serious offenders and conduct, for which Federal attention is needed. I also appreciate Senator FEINSTEIN and Senator SCHUMER working with Senator WHITEHOUSE and me to ensure that small States such as Rhode Island and Vermont could be eligible under the bill to receive crucially important witness protection grants.

We all care deeply about eradicating gang violence, and we must work together to create a comprehensive solution to this troubling, persistent problem. I hope that this bill will be a step toward reversing the mistakes of the Bush administration and reinvigorating our efforts to provide Federal support for those who combat gang violence every day and to protect those who are its victims.

Mr. HATCH. I rise today to congratulate my fellow Senators on the passage of the Gang Abatement and Prevention Act of 2007. This vital legislation makes important changes to the federal criminal code which will allow a more effective response to the ever growing threat that violent street gangs pose to our communities. Americans are acutely aware of the myriad problems brought about by the influence and prevalence of criminal gangs in this country. I have long shared this concern, and introduced legislation over 10 years ago that attempted to address the problem. Senator FEINSTEIN joined me in that effort, and since that time has pursued this matter with a vigor and tenacity that should make the residents of California proud. I want to offer my heartfelt congratulations and appreciation to Senator FEINSTEIN for her tireless efforts in sponsoring this bill, and am pleased that our combined efforts over the
years have brought us one step closer to having this legislation signed into law. I believe that all members of the Senate share their constituents' desire to see a diminished role of gangs and associated violence in their communities. The question is very simple: How do we achieve this goal?

The prevailing thought is to either modify the criminal code or provide financial assistance that enhances procedures and programs that have been proven to effectively reduce gang participation. The bill that passed today does both of these things, and it is my hope that the vital tools in this initiative can be utilized by state and local personnel to provide for a greatly diminished threat from criminal street gangs.

One thing I want to make perfectly clear is that my involvement with this issue does not diminish my concerns with the federalization of crimes. I want to read a few sentences I said on the Senate Floor in 1996 when introducing the Federal Gang Violence Act of 1996: "Our problem is severe. Moreover, there is a significant role the Federal Government can play in fighting this battle. I am not one to advocate the unbridled extension of Federal jurisdiction. Indeed, I often think that we have federalized too many crimes. However, in the case of criminal street gangs, which increasingly are moving interstate to commit crimes, there is a very proper role for the Federal Government to play."

I said this in 1996, and my thoughts have not changed. The federal government too many times hands out money like a broken ATM, subsidizing projects that are more appropriately left to the states. However, the fact that Gangs have operations which spread throughout our country necessitates a federal law enforcement response. I am confident that Americans would approve of their tax dollars being effectively utilized in attempts to reduce gangs and criminal activity, and provide a safer environment for their families.

The young people who join criminal gangs have made an unfortunate choice to squander all of the opportunities available in their life, opportunities which are abundant in our great nation. But even worse, their choice to participate in violent gang crimes put the lives of innocent Americans in danger. The same innocent people who have rightly chosen to live their life in a productive manner benefiting fellow citizens.

Numerous cities in my home state of Utah, such as Orem, St. George, and Provo are facing an increase in gang activity. National gangs, like MS-13, are expanding their presence in Utah. Law enforcement is also reporting an increase in gang members relocating from areas of Southern California. It is vital that we provide immediate assistance to cities that are in the beginning stages of a battle with highly sophisticated national gangs. If a city can’t deal with this problem swiftly and severely, then the gangs will fester like a disease, amplifying to an unmanageable level. We have seen this throughout the country, and I am dedicated to ensure that the cities in Utah and other states receive appropriate and necessary assistance from Congress to increase community prevention efforts.

I applaud the efforts of lawmakers whose tireless efforts produced this bill, and am hopeful that the funds provided for prevention and mentoring can be utilized to help negate the persistent efforts of gangs to augment their ranks with additional kids. Life provides many choices, and I hope that our youth will find the strength and courage to resist the gang lifestyle. I recognize that there is no mechanism which can easily remove the scourge of criminal gangs, but am confident that this bill will provide resources which can enhance and amplify the efforts of dedicated personnel who endeavor to bestow positive influence to our communities.

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, September 24; that on Monday following the prayer and the pledge, the Journal of proceedings be approved to date the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Senator BYRD recognized for 25 minutes of the majority’s time, and the Republicans controlling the final portion; that at 3 p.m. the Senate proceed to the consideration of the conference report to accompany H.R. 1495, as provided for under a previous order.

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

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 24, 2007, AT 2 P.M.

Mr. CASEY. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:24 p.m., adjourned until Monday, September 24, 2007, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF JUSTICE

MICHAEL B. MUKASEY, OF NEW YORK, TO BE ATTORNEY GENERAL, VICE ALBERTO R. GONZALEZ, RESIGNED.
**Daily Digest**

**Senate**

**Chamber Action**

**Routine Proceedings, pages S11919–S11965**

**Measures Introduced:** Three bills and one resolution were introduced, as follows: S. 2083–2085, and S. Res. 325.

**Measures Reported:**

- S. 2084, to promote school safety, improved law enforcement. (S. Rept. No. 110–183)

**Measures Passed:**

**Ukraine Parliamentary Elections:** Committee on Foreign Relations was discharged from further consideration of S. Res. 320, recognizing the achievements of the people of Ukraine in pursuit of freedom and democracy, and expressing the hope that the parliamentary elections on September 30, 2007, preserve and extend these gains and provide for a stable and representative government, and the resolution was then agreed to.

**Gang Abatement and Prevention Act:** Senate passed S. 456, 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, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

- Casey (for Feinstein/Hatch) Amendment No. 3022, of a perfecting nature.

**Measures Considered:**

**National Defense Authorization Act:** Senate continued consideration of 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, taking action on the following amendments proposed thereto:

**Withdrawn:**

By 47 yeas and 47 nays (Vote No. 346), Levin/Reed Amendment No. 2898 (to Amendment No. 2011), to provide for a reduction and transition of United States forces in Iraq. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn).

**Pending:**

- Nelson (NE) (for Levin) Amendment No. 2011, in the nature of a substitute.
- Warner (for Graham/Kyl) Amendment No. 2064 (to Amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.
- Kyl/Lieberman Amendment No. 3017 (to Amendment No. 2011), to express the sense of the Senate regarding Iran.
- Biden Amendment No. 2997 (to Amendment No. 2011), to express the sense of Congress on federalism in Iraq.

**Nomination Received:** Senate received the following nomination:

- Michael B. Mukasey, of New York, to be Attorney General.

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Amendments Submitted:**

**Notices of Hearings/Meetings:**

**Record Votes:** One record vote was taken today. (Total—346)

**Adjournment:** Senate convened at 9:15 a.m. and adjourned at 2:24 p.m., until 2 p.m. on Monday, September 24, 2007. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S11963.)
Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following:

An original bill entitled, “American Infrastructure Investment and Improvement Act”;

An original bill entitled, “The Habitat and Land Conservation Act of 2007”; and

An original bill to implement the United States–Peru Trade Promotion Agreement.

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House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 12:30 p.m. on Monday, September 24, 2007.

Committee Meetings

No Committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1208)

H.R. 2358, to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States. Signed on September 20, 2007. (Public Law 110–82)


CONGRESSIONAL PROGRAM AHEAD

Week of September 24 through September 29, 2007

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: September 26, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the President’s supplemental request for the wars in Iraq and Afghanistan, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: September 25, to hold hearings to examine two years after Hurricanes Katrina and Rita, focusing on housing needs in the Gulf Coast, 9:30 a.m., SD–538.

September 26, Full Committee, to hold hearings to examine the role and impact of credit rating agencies on the subprime credit markets, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: September 27, Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine congestion and delays impacting travelers, focusing on possible solutions, 10 a.m., SR–253.

September 27, Full Committee, business meeting to consider S. 1578, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, S. 1889, to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, S. 1453, to extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors, S. J. Res. 17, directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean, and S. Con. Res. 39, supporting the goals and ideals of a world day of remembrance for road crash victims, and a promotion list in the United States Coast Guard, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: September 24, to hold hearings to examine scientific assessments of the impacts of global climate change on wildfire activity in the United States, 3 p.m., SD–366.
September 25, Full Committee, to hold hearings to examine S. 1756, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, 10 a.m., SD–366.

September 26, Full Committee, to hold hearings to examine S. 1543, to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, 10 a.m., SD–366.

September 27, Full Committee, to hold hearings to examine hard-rock mining on federal lands, 9:30 a.m., SD–366.

September 27, Subcommittee on National Parks, to hold hearings to examine S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, S. 189, to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan, S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania, S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, S. 1476, to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System, S. 867 and H.R. 299, bills to adjust the boundary of Lowell National Historical Park, S. 1709 and H.R. 1239, bills to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska, S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton’s life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and S. 1039, to extend the authorization for the Coastal Heritage Trail in the State of New Jersey, 2:30 p.m., SD–366.

Committee on Environment and Public Works: September 25, to hold hearings to examine green jobs created by global warming initiatives, 2 p.m., SD–406.

September 26, Full Committee, to hold hearings to examine the impacts of global warming on the Chesapeake Bay, 9:30 a.m., SD–406.

Committee on Finance: September 25, to hold hearings to examine home and community based care, focusing on expanding options for long-term care, 10 a.m., SD–G50.

September 26, Full Committee, to hold hearings to examine offshore tax issues, focusing on reinsurance and hedge funds, 10 a.m., SD–215.

September 27, Full Committee, to hold hearings to examine the efficacy of national border security, 10 a.m., SD–215.

Committee on Foreign Relations: September 25, to hold hearings to examine the nominations of David T. John-son, of Georgia, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), P. Robert Fannin, of Arizona, to be Ambassador to the Dominican Republic, and Paul E. Simons, of Virginia, to be Ambassador to the Republic of Chile, 2:30 p.m., SD–419.

September 27, Full Committee, to hold hearings to examine the United Nations Convention on the Law of the Sea (T. Doc.103–39), 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: September 27, to hold hearings to examine pursuing Brown v. Board of Education’s promise, focusing on ensuring equal opportunity in public education, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: September 26, business meeting to consider H.R. 2654, to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the “Eleanor McGovern Post Office Building”, H.R. 2467, to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the “Frank J. Guarini Post Office Building”, H.R. 2587, to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the “Kenneth T. Whalum, Sr. Post Office Building”, H.R. 2778, to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the “Robert Merrill Postal Station”, H.R. 2825, to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the “Owen Lovejoy Princeton Post Office Building”, H.R. 3052, to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the “John Herschel Glenn, Jr. Post Office Building”, H.R. 3106 and S. 2023, bills to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the “Staff Sergeant David L. Nord Post Office”, H.R. 2765, to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the “Master Sergeant Sean Michael Thomas Post Office”, and the nomination of Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security, 10 a.m., SD–342.

September 27, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine cost effective military strategic airlift requirements in the 21st century, 3:30 p.m., SD–342.

September 28, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the role of Federal Executive Boards in pandemic preparedness, 10 a.m., SD–342.

Committee on Indian Affairs: September 27, business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine the prevalence of violence against Indian women, 9 a.m., SD–628.
Committee on the Judiciary: September 25, to hold hearings to examine strengthening the Foreign Intelligence Surveillance Act (FISA), 9:30 a.m., SD–226.

September 25, Full Committee, to hold hearings to examine pending judicial nominations, 2:30 p.m., SD–226.

September 26, Full Committee, to hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 2:30 p.m., SD–226.

September 27, Full Committee, to hold hearings to examine the nomination of Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs, 9:30 a.m., SD–226.

Select Committee on Intelligence: September 25, to hold closed hearings to examine certain intelligence matters, 2 p.m., SH–219.

Committee on Agriculture, September 26, Subcommittee on General Farm Commodities and Risk Management, hearing to review reauthorization of the Commodity Exchange Act, 10 a.m., 1300 Longworth.

September 27, full Committee, hearing to review H.R. 1011, Virginia Ridge and Valley Act of 2007, 11 a.m., 1300 Longworth.

Committee on Appropriations, September 25, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Safety of Imported Foods, 10 a.m., 2362A Rayburn.

September 25, Subcommittee on Legislative Branch, on Capitol Visitor Center, 10 a.m., 2358 Rayburn.

Committee on Armed Services, September 26, to mark up H.R. 2826, To amend titles 28 and 10, United States Code, to restore habeas corpus for individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, 10 a.m., 2118 Rayburn.

September 26, full Committee, hearing to receive testimony on Army strategic initiatives, 2 p.m., 2118 Rayburn.


September 26, Subcommittee on Health, hearing on the Food and Drug Safety Import Act, 10 a.m., 2123 Rayburn.


September 27, hearing entitled “DEC Proxy Access Proposals: Implications for Investors,” 10 a.m., 2128 Rayburn.


Committee on Foreign Affairs, September 25, hearing on PEPFAR Reauthorization: From Emergency to Sustainability, 10 a.m., 2172 Rayburn.

September 25, Subcommittee on Asia, the Pacific and the Global Environment, hearing on APEC 2007: Advancing U.S. Exports to the Asia-Pacific Region, 2 p.m., 2172 Rayburn.

September 26, full Committee, to mark up the following measures: S. 1612, International Emergency Economic Powers Enhancement Act; H. Res. 635, Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commend Muslims in the United States and throughout the world for their faith; and H. Con. Res. 200, Expressing the
sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi, 10 a.m., 2172 Rayburn.

September 29, Subcommittee on the Middle East and South Asia, hearing on Iran Sanctions and Regional Security, 10 a.m., 2172 Rayburn.


September 27, Subcommittee on Intelligence, Information Sharing and Terrorism Risk, hearing entitled "The Way Forward with Fusion Centers: Challenges and Strategies for Change," 10 a.m., 311 Cannon.

Committee on the Judiciary, September 25, Task Force on Antitrust and Competition Policy, oversight hearing on Antitrust Agencies: Department of Justice Antitrust Division and Federal Trade Commission Bureau of Competition, 1 p.m., 2141 Rayburn.

September 25, Subcommittee on Commercial and Administrative Law, hearing on Straightening Out the Mortgage Mess: How Can We Protect Home Ownership and Provide Relief to Consumers in Financial Distress? 3 p.m., 2237 Rayburn.

September 25, Subcommittee on the Constitution, Civil Rights and Civil Liberties, oversight hearing on the Employment Section of the Civil Rights Division of the U.S. Department of Justice, 10 a.m., 2141 Rayburn.

September 27, full Committee, hearing on H.R. 2128, Sunshine in the Courtroom Act of 2007, 1 p.m., 2141 Rayburn.

Committee on Natural Resources, September 25, Subcommittee on Water and Power, hearing on the following bills: H.R. 123, To authorize appropriations for the San Gabriel Basin Restoration Fund; H.R. 2498, To provide for a study regarding development of a comprehensive integrated regional water management plan that would address four general areas of regional water planning in both the San Joaquin River Hydrologic Region and the Tulare Lake Hydrologic Region, inclusive of Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California, and to provide that such plan be the guide by which those counties use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner; and H.R. 2535, Tulare River Tribe Water Development Act, 10 a.m., 1324 Longworth.

September 27, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing entitled "Aquatic Nuisance Species and Activities of the Aquatic Nuisance Species Task Force," 2 p.m., 1334 Longworth.

September 27, Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 830, Denali National Park and Alaska Railroad Land Exchange Act of 2007; H.R. 2094, To provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission; and H.R. 3111, Port Chicago Naval Magazine National Memorial Enhancement Act of 2007, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, September 25, hearing on Lobbying by the U.S. Department of Transportation Against State Actions to Address Climate Change, 10 a.m., 2154 Rayburn.

September 25, Subcommittee on Domestic Policy, hearing on Will NIEHS' new priorities protect public health? 2 p.m., 2154 Rayburn.

September 25, Subcommittee on Information Policy, Census and National Archives, hearing on Organ Donation: Utilizing Public Policy and Technology to Strengthen Organ Donor Programs, 2 p.m., 2247 Rayburn.

September 26, Subcommittee on Government, Organization, and Procurement, hearing on Federal Contracting: Removing Hurdles from Minority-Owned Small Businesses, 2 p.m., 2154 Rayburn.

September 26, Subcommittee on National Security and Foreign Affairs, hearing on "Third Walter Reed Oversight Hearing: Keeping the Nation's Promise to Our Wounded Soldiers," 10 a.m., 2154 Rayburn.

September 27, full Committee, hearing on Assessing the State of Iraqi Corruption, 10 a.m., 2154 Rayburn.

Committee on Rules, September 24, to consider the Children's Health Insurance Program Reauthorization Act of 2007, 5 p.m., H–313 Capitol.

September 25, to consider the following: H.R 2693, Popcorn Workers Lung Disease Prevention Act; and a measure Making continuing appropriations for the fiscal year 2008, 3 p.m., H–313 Capitol.

Committee on Science and Technology, September 25, Subcommittee on Energy and Environment, hearing on Revisiting the Industrial Technologies Program (ITP): Achieving Industrial Efficiency, 2 p.m., 2318 Rayburn.

September 25, Subcommittee on Research and Science Education, hearing on the Contribution of the Social Sciences to the Energy Challenge, 10 a.m., 2318 Rayburn.

September 25, full Committee, hearing on meeting the need for Interoperability and Information Security in Health IT, 10 a.m., 2318 Rayburn.

September 27, Subcommittee on Investigations and Oversight, hearing on the National Security Implications of Climate Change, 10 a.m., 2318 Rayburn.

Committee on Small Business, September 26, Subcommittee on Contracting and Technology, hearing on Small Business Renewable Energy Tax Incentive Possibilities, 10 a.m., 2360 Rayburn.

September 27, full Committee, hearing on Management and Authorization legislation, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, September 25, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Emancipation Hall: A Tribute to the Slaves Who Helped Build the U.S. Capitol, 2 p.m., 2253 Rayburn.

September 25, Subcommittee on Transportation and Infrastructure, hearing on Rail Competition and Service, 10 a.m., 2167 Rayburn.
September 26, Subcommittee on Aviation, hearing on Airline Delays and Consumer Issues, 2 p.m., 2167 Rayburn.

September 26, Subcommittee on Highways and Transit, hearing on Federal Transit Administration’s Proposed Rule on the New Starts and Small Starts Programs, 10 a.m., 2167 Rayburn.

September 27, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on the John F. Kennedy Center Reauthorization, 10 a.m., 2167 Rayburn.

September 28, Subcommittee on Aviation, hearing on the Transition from FAA to Contractor-Operated Service Stations: Lessons Learned, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, September 25, Subcommittee on Disability Assistance and Memorial Affairs, hearing on the Board of Veterans’ Appeals Adjudication Process and the Appeals Management Center, 2 p.m., 334 Cannon.

September 25, Subcommittee on Oversight and Investigations, hearing on VA Polytrauma Rehabilitation Centers: Management Issues, 10 a.m., 334 Cannon.

September 26, full Committee, hearing on VA IT Reorganization: How Far Has VA Come? 10 a.m., 334 Cannon.

September 27, Subcommittee on Health, hearing on VA Grant and Per Diem Program, 10 a.m., 334 Cannon.

Committee on Ways and Means, September 25, to consider a measure to implement the United States-Peru Trade Promotion Agreement, 10:30 a.m., 1100 Longworth.

September 25, Subcommittee on Oversight, hearing to Examine Whether Charitable Organizations Serve the Needs of Diverse Communities, 2 p.m., 1100 Longworth.

Select Committee to Investigate the voting Irregularities of August, 2, 2007, September 27, to meet for organization purposes; to consider an Interim Report, required by H. Res. 611, Raising a question of the privileges of the House, to be filed with the House of Representatives by September 30, 2007, followed by a hearing on Voting in the House of Representatives, 9 a.m., H–313 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: September 27, to hold hearings to examine human rights defenders in Russia, 10 a.m., 2212RHOB.
Next Meeting of the SENATE
2 p.m., Monday, September 24

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will begin consideration of the conference report to accompany H.R. 1495, Water Resources Development Act and vote on its adoption at 5:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, September 24

House Chamber

Program for Monday: To be announced.